# 3.5 LAND USE, RECREATION, AND PUBLIC ACCESS

This section describes land use, recreation, and public access in the vicinity of the proposed Broad Beach Restoration Project (Project), and potential effects of Project-generated conflicts on Public Trust Resources and Values.

## 3.5.1 Environmental Setting Pertaining to the Public Trust

Project Area Location and Description

The Broad Beach Restoration Area (Project area) encompasses approximately 44 acres extending laterally for more than 6,700 feet from Lechuza Point to Trancas Creek Lagoon (refer to Figure 1-1), and includes public trust lands and adjacent private uplands that support residential uses and existing vertical and lateral access easements, some of which would be impacted by the Project. The Project area also includes the use of Zuma Beach parking lot adjacent to Trancas Creek for temporary construction staging.

Off-site Project Areas Location and Description

The Off-site Project areas have the potential to be either directly or indirectly impacted by the Project. Off-site Project areas where direct impacts may occur include the Trancas Creek sediment deposit offshore of Broad Beach, the Ventura Harbor dredge site approximately 35 miles to the north of Broad Beach, and the Dockweiler Beach dredge site approximately 30 miles to the south of Broad Beach (refer to Figure 2-7). For the Ventura Harbor and Dockweiler dredge sites, sand would be transported by

*Broad Beach supported a wide sandy beach berm in the 1970s and 1980s. However, coastal erosion and loss of sand has reduced the beach area to a "low tide beach," limiting coastal access opportunities to low- to mid-tides.*

*Broad Beach currently supports a wide mostly sandy low-tide beach, with approximately 27 acres of public trust intertidal lands located seaward of the ordinary high water mark. These public trust lands which include the intertidal beach are proposed to accommodate the majority of the beach restoration project.*

dredge vessels to Broad Beach. The Project could indirectly impact Off-site Project areas by influencing sand supply and distribution by dredging and importing sand to Broad Beach. As explained further in this section, these activities have potential to affect shorelines downcoast (southward) from these sites. Dredging at the Ventura Harbor and Dockweiler sites would result in a loss of sand supply from these sites, while importation of sand to Broad Beach would be expected to increase sand supply to downcoast shorelines and habitats through littoral drift processes. See Section 3.1, *Coastal Processes*, for further analysis of these impacts.

Relationship between Land Use, Recreation, Public Access and Public Trust Resources and Values

Land use, recreation, and public access are key components of the public's ability to use and enjoy Public Trust Resources. In the immediate Project area, these include Broad Beach and the waters offshore. Within the Off-site Project areas, these include Zuma Beach, Dockweiler Beach, Ventura Harbor beaches and beaches down coast from these sites (e.g., McGrath State Beach in Ventura County) and State tidelands and waters offshore of these beaches. The Project area contains areas of high recreational value, and changes to the continued use of or access to these areas would affect the public's ability to utilize Public Trust Resources. The California Supreme Court in *National Audubon Society v. Superior Court (1981) 685 P.2d 709* stated that the "core of the public trust doctrine is the state's authority as sovereign to exercise a continuous supervision and control over" the lands, waters and underlying intertidal lands of the State to protect ecological and recreational values, including the use and enjoyment of these lands. California's Constitution also establishes the right of the public to access and use public trust lands, as well as establish the public's right to fish on public trust lands (Cal. Const. Article X, Section 4; Cal. Const. Article I, Section 25)

Definitions

Land use comprises natural conditions or human-modified activities occurring at a particular location. Management plans and land use regulations determine the type and extent of land use occurring and allowable in specific areas, including development and use of private lands, and management and protection of public lands and resources, including specially designated or environmentally sensitive areas. Plans and policies most applicable to the public's use and enjoyment of Public Trust Resources in the Project area are provided in the city of Malibu's Local Coastal Program (LCP), which is derived from the California Coastal Act (Coastal Act; Article 1, Section 30500). The Malibu LCP consists of two subparts, the Land Use Plan (LUP) and the Local

Implementation Plan (LIP). The Malibu LCP policies are contained within the LUP, while the purpose of the LIP is to implement and carry out the policies of the LUP.[1]

Public trust lands affected by the Project include those owned in fee by the State of California and under the CSLC's jurisdiction, and State sovereign lands legislatively granted to a local agency to administer(e.g., tide and submerged lands granted to the city of Los Angeles seaward of Dockweiler State Beach). These public trust lands are located waterward of the ordinary high water mark (OHWM) as measured by mean high tide line (MHTL) (refer to Section 2.1.2, *Project Description*) prior to fill or artificial accretions. For the purposes of this analysis, Off-site Project areas may also include easements on private land held by the State or other agencies established to facilitate public access and use for coastal recreation. Private lands are those areas landward of the OHWM not under public ownership.

Recreation is defined as an activity or pastime that promotes the refreshment of health or spirit through relaxation or enjoyment (California State Parks 2004). Recreation, as applied to the Project, can be either consumptive or non-consumptive. Consumptive activities include hook-and-line fishing, spear fishing, lobster diving and collecting of other types of sea life. Non-consumptive recreation include activities, which do not entail the harvest of sea life, such as beach going, swimming, surfing, sailing, boating, kayaking, bird and whale watching, tide pooling, and scuba diving.

Coastal access is generally defined as a location or area, including lateral access (access along a beach), vertical access (access from an upland street, parking area, public park, or bluff down to the beach), coastal blufftop trails, and upland trails that lead to the shore or traverse inland parklands within the coastal zone. Coastal access also includes secondary factors, such as parking near coastal access points, support facilities such as restrooms and picnic areas, addressing user demands and conflicts, and maintenance of a diversity of coastal recreation experiences. Public access and use of the shoreline is a right guaranteed to all citizens by the California Constitution. The California Coastal Commission (CCC), the State Coastal Conservancy, the California State Lands Commission (CSLC), local governments, and non-profit organizations all play a role in assuring this access and use.

Broad Beach Restoration Area

*Land Use*

The Project area is located within the Coastal Zone of the State of California and land use and recreation in this area is governed by the provisions of the Coastal Act as well as the Malibu LCP. Jurisdiction over the Project area is shared by the CSLC, CCC, and

[1] All references within this section to the Malibu LCP refer to the combined LUP and LIP, which comprise the Malibu LCP (e.g., reference to policies of the Malibu LCP refers to policies contained within the LUP).

the city of Malibu. The portion of the Project area located waterward of the OHWM (including portions of the emergency revetment) is under the jurisdiction of the CSLC[2] and the CCC, while portions of the Project area located landward the OHWM (including other portions of the revetment) are under the jurisdiction of the city of Malibu, and within the coastal appeals jurisdiction of the CCC.

*The CSLC and CCC retain management and permit authority over public intertidal lands, which are located seaward of and in places overlain by the existing emergency revetment. The city of Malibu retains permit jurisdiction over predominantly private lands located landward of the revetment, although this area lies within the coastal appeals jurisdiction of the CCC.*

The area offshore Broad Beach, including the location of the Trancas Creek sediment deposit, also falls within the Point Dume State Marine Conservation Area (SMCA) managed by the California Department of Fish and Game (CDFG), where it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes unless otherwise specified. However, while prohibiting the recreational take of most marine features, the Point Dume SMCA allows for spear fishing for pelagic finfish, including Pacific bonito and white seabass (Subsection 632[b], Areas and Special Regulations for Use [CDFG 2012]). Also, the take of sand for beach nourishment is allowed pursuant to required permits and authorization, as discussed under Policy 3.3 of the LCP in Table 3.5-8.

In addition to State protection, Policy 3.3 of the Malibu LCP defines any State Marine Protected Area as Environmentally Sensitive Habitat Areas (ESHAs); therefore, the waters offshore Broad Beach are considered ESHAs. ESHAs generally include habitat areas that are recognized as rare and/or important to wildlife, particularly to sensitive species. Within the Project area, the sand dune habitat and the Trancas Lagoon are categorized as ESHAs.

The 121 private parcels that front Broad Beach within the Project area share a common boundary with the CSLC and are zoned as Single Family Medium (SFM) by the Malibu LCP (CCC 2002). This designation permits the development of a primary single family residence and supporting ancillary structures. The LCP also contains extensive policies which govern the use and development of these parcels, including those that pertain to

[2] In accordance with Public Resources Code Section 6301, the CSLC "has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the State…The Commission shall exclusively administer and control all such lands, and may lease or otherwise dispose of such lands, as provided by law, upon such terms and for such consideration, if any, as are determined by it."

ensuring the provision of public vertical access to and lateral access along the beach. However, many Malibu beaches remain deficient in public access points, including the Project area (CCC 2002). For example, as discussed in Table 3.5-8 below, Policy 2.64 of the Malibu LCP requires dedication of a lateral access easement for new development that causes public access impacts. The placement of a revetment or shoreline protective structure on the beach results in both a loss of recreational beach area, as well as impedes lateral public access (CCC 1999). Policy 2.86(d) requires that vertical access be provided approximately every 1,000 feet along Broad Beach, which would require a total of approximately five access points (CCC 2002).

*Existing Public Access Availability*

Public vertical access to Broad Beach is currently provided via two public access easements, which consist of pathways that connect Broad Beach Road and adjacent informal road shoulder parking areas to the shoreline (refer to Figure 2-2). These access ways are owned and managed by the Los Angeles County Department of Beaches and Harbors, and are fenced and gated with time restrictions for access (e.g., open from dawn to dusk). As part of the 2010 construction of the emergency revetment, these public vertical access points now also include concrete walkways and stairways across and over the revetment to the beach. Vertical access to Lechuza Point is also available at the far west end of the Project area via Sea Level Drive; this access point is also time restricted. Lateral access is also available to Broad Beach from Zuma Beach and its large public parking lots, although the beach is generally passable only during low to moderate tides. Lateral access from beaches to the west (e.g., El Matador State Beach) is limited by the rocky headland of Lechuza Point; access across the point is available only during lower tides and requires walking or wading through a rocky sea arch or scrambling up and over the rocky point itself.


*Vertical access to Broad Beach is provided at two locations along Broad Beach and one to Lechuza Point. Although the city of Malibu's LCP proposes five additional access points (approximately every 1,000 feet), most parcels along the beach are already developed.*

*Lateral access to Broad Beach is available from Zuma Beach to the east; however, medium and high tides frequently submerge all or most of Broad Beach. In addition, the existing revetment constrains lateral access to some public lands and existing access easements.*

Parking near the three existing Broad Beach and Lechuza Point vertical access points is available along the north side of Broad Beach Road. The predominantly unpaved shoulder of Broad Beach Road provides an estimated 320 informal parking spaces over its 1.5-mile length with dozens of informal spaces within walking distance of the access points.[3] While construction worker and resident parking, as well as encroachment by informal landscape improvements limits availability of some of these spaces, parking is generally available to the public (AMEC 2012).[4] Additional, informal road shoulder parking is also available in places along Pacific Coast Highway (PCH) on the bluff overlooking Broad Beach. Public transportation occurs in the vicinity of the Project area, with a Metro 534 bus stop located at the intersection of Trancas Canyon and PCH. This stop is proximate to Trancas Creek and Zuma Beach, but is 0.6 miles from the nearest Broad Beach Road vertical access point. In addition, hundreds of public parking spaces exist at Zuma Beach County Park, located within walking distance of Broad Beach.

Maintenance and improvement of public coastal access is a fundamental goal of the California Constitution and the Coastal Act, and loss of or impairment of public access is a statewide concern. The loss of coastal recreation opportunities resulting from development occurring over the past 25 years has adversely impacted the availability of public access and coastal recreation in Malibu (CCC 2002). As the coastline became increasingly developed, areas that had previously provided public access became constrained or were eliminated. This has also occurred at Broad Beach where as property developed, public vertical access was lost. In addition, coastal erosion, sea level rise, the physical configuration of the beach, new and expanded development, grading and the installation of emergency geotextile sandbags and rock revetments along Broad Beach have all contributed to the loss of the available beach area at Broad Beach, giving rise to conflicts over lateral access.

As the beach eroded and the ambulatory public-private boundary, as measured by the MHTL has shifted landward, uncertainties over the location of public beach versus private property has resulted in diminished public access along the beach. In addition, inconsistent lateral access and recreational use easements recorded to permit the public to pass and recreate across individual properties resulted in variable reference points, with no easily definable boundary for the public or homeowners to see or even estimate the location of the lateral easements at any given time. These factors prompted the CCC to provide a report that sought to depict existing lateral easements (CCC 2004). In addition, Broad Beach homeowners maintain private security officers who patrol the beach for the purpose of limiting public trespass on private property. The beach is seasonally patrolled by up to four private security guards, with daily patrol

[3] A stretch measuring approximately 6,400 linear feet on the north side of Broad Beach Road contains a wide shoulder available for public parking. Individual parking spaces typically average 20 feet in length.
[4] AMEC staff have visited Broad Beach on six separate occasions at different times of day and seasons; road shoulder parking has been available each time.

occurring during the busiest summer months, reduced to weekend patrol during the less busy early summer and early fall periods, and no patrol occurring during winter months.

Although conflicts occurred, the historically wide sand beach on Broad Beach provided ample lateral access from Zuma Beach, and Broad Beach acted as a continuation of and spillover area for recreational activities at Zuma Beach. Climactic variations, sea level rise, shifts in wave climate, alterations to and the limited sand supply have reduced beach width at Broad Beach. This reduction in width has resulted in impediments to lateral access, particularly under current fall/winter conditions when even a moderate high tide of 3 to 4 feet may submerge all or most of the sandy beach. Under such conditions, the emergency revetment presents a physical barrier to lateral access and many recreational opportunities for beach goers, as incoming tides frequently submerge all or most of the sandy beach.

*Existing Public Lands and Access Rights*

The public has the legal right of access to and recreational use of public trust lands, as well as to numerous public easements at Broad Beach. In general, the area below the OHWM is tide and submerged lands under the California Constitution and the Public Trust Doctrine, and is thus open for public use and enjoyment. Further, over the course of the last 30+ years, the public has acquired numerous access and recreational use easements (AREs) on adjoining private property stemming from permit conditions included in Coastal Development Permits issued by the CCC and city of Malibu that required property owners to record offers to dedicate public easements against the property to be developed. These easements are typically tied to the ambulatory boundary between public and private property and extend landward. On the open coast, including Broad Beach, the ambulatory nature of the MHTL , resulting from natural coastal processes such as coastal erosion and accretion, sea level rise, and the physical configuration of the beach, creates a shifting public-private boundary. The emergency revetment presents a physical barrier to those natural coastal processes, which have historically continued to moved landward over time; thus the revetment is expected to continue to impact and displace lateral public access over time.

Notwithstanding known physical encroachments upon public trust lands and existing AREs (further discussed below), all beach areas seaward of the OHWM are public trust lands and open to public use and enjoyment. Thus, access along the existing beach occurs on public land. However, as discussed below, this matter is further complicated as portions of the existing emergency revetment are located on public trust lands below the OHWM and existing access easements held by the State, with many such easements also located beneath and landward of the revetment. The CSLC manages the State's property interest both where the State has ownership of the land and where the CSLC has accepted easements (i.e., AREs). Therefore, the CSLC plays a major

role in protecting access, particularly through acceptance and management of lateral offers to dedicate public easements along the beach (CCC 1999).

Broad Beach currently supports approximately 27 acres of intertidal public trust land (as measured between the MLLW and MHTL/revetment for the length of the Project area) that is generally available for public use and enjoyment at lower tides, with the majority of these lands located seaward of the existing revetment. Based on a CSLC staff survey of the MHTL conducted in January 2010, approximately 0.86 acres of public land currently lie beneath the existing revetment, blocking access to these lands.[5] The accessible seaward edge of this land is defined by the MLLW, with these lower lying areas accessible only during minus tide conditions. The vast majority of these public intertidal lands consist of low tide wet sandy beach, although limited areas of dry beach berm do accrue during summer months. Several acres of rocky intertidal area also exist on these public lands toward the west end of Broad Beach.

Landward of the MHTL, public lateral access is legally available only on those properties which have deeded such access within Access and Recreational Use Easements (AREs).[6] Approximately 42 of the 121 private parcels along Broad Beach have granted and accepted easements, deed restrictions, or other legal documents providing the public with the right to lateral coastal access across the seaward edge of these private properties.[7] Collectively, these easements and deed restrictions are referred to as AREs. The CSLC holds a total of 37 AREs along Broad Beach; 16 are outside the revetment area (i.e., associated with properties on Broad Beach to the east or west of the revetment), and 21 are directly impacted by the revetment. The remaining accepted easements are held by the Mountains Recreation and Conservation Authority (4) and the California State Coastal Conservancy (1). The status of current AREs in the Project area is provided in Table 3.5-1.

**Table 3.5-1. AREs for Parcels in the Project Area**

| Type of AREs | Total # |
|---|---|
| Accepted AREs | 42 |
| Deed Restriction Recorded | 18 |
| Document Recorded | 2 |
| Dedication Recorded | 4 |
| Offer Not Accepted | 1 |
| Total AREs | 66 |
| (Parcels without an ARE) | 79 |

[5] CSLC staff completed a survey of the MHTL in January of 2010 that is the basis for this estimate. Moffatt and Nichol, the agent for the GHAD, completed a MHTL survey, which showed lesser intrusion on public land (refer to Section 2.0, *Project Description*).
[6] Sometimes referred to as Offers to Dedicate (OTDs); however, OTDs are only the recorded offers of easements. The easement does not exist until the offer is accepted by a qualified government agency or a nonprofit organization. Once the OTD is accepted, the accepting entity obtains title to the easement and the easement remains a public right in perpetuity. AREs are accepted OTDs and have been dedicated by former or current owners of land within the GHAD and held by various agencies including the CSLC.
[7] An additional 23 easements have been offered, but have not yet been accepted.

These AREs vary in terms, but they mainly consist of dry sandy beach extending 25 feet inland from the "daily high water line" or the MHTL; in some cases AREs are restricted on the landward side by set-back buffers from the residential structures. Most of these AREs are currently partially or entirely covered by the emergency revetment and frequently extend landward of the revetment (Figure 3.5-1; Table 3.5-2). Thus, the emergency revetment presents a physical barrier to lateral access for beach goers who are otherwise legally entitled to use these areas for recreational purposes. In total, more than 94 percent (±1.16 acres) of these public lateral access easements lie beneath or landward of the existing emergency revetment.


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**East Central Broad Beach**
**Location of Access and Recreational Easements/ Offers to Dedicate**

**FIGURE 3.5-1**

**Table 3.5-2. Location of Existing Revetment Relative to Public Land and AREs**

| Public Lands and AREs | Acreage | Percent |
|---|---|---|
| Public Land Under the Revetment | 0.86 ac | variable |
| AREs Under the Revetment | 0.71 ac | 57.7 % |
| AREs Landward of the Revetment | 0.45 ac | 36.6 % |
| AREs Seaward of the Revetment | (0.07 ac) | 5.7 % |
| Total Public Land / AREs Affected by the Revetment | 2.02 ac | - |

Note: Total public land under the revetment was calculated based upon the MHTL determined by the CSLC in relation to the location of the existing revetment.

The existing revetment footprint covers a total of approximately 3.0 acres, and covers or cuts off access to a total of approximately 2.02 acres of existing public trust land and existing lateral access easements. Since legal public lateral access and recreational use is limited to public trust lands below the MHTL and these AREs, the revetment substantially limits public lateral access and use along the shoreline at Broad Beach. Under current conditions, coastal erosion combined with installation of the existing revetment has materially diminished the area of beach available for public recreational use.

*Existing Private Beach Access*

Almost all of the existing 114 homes along Broad Beach have historically had relatively unrestricted access to the beach; homes along steeper dunes and bluffs at the beach's west end typically employed stairways to gain access while homes along the wide low dunes at the east end often had informal paths to the beach. As coastal erosion progressed, stairways had to be extended and some geotextile revetments were designed with walkways.

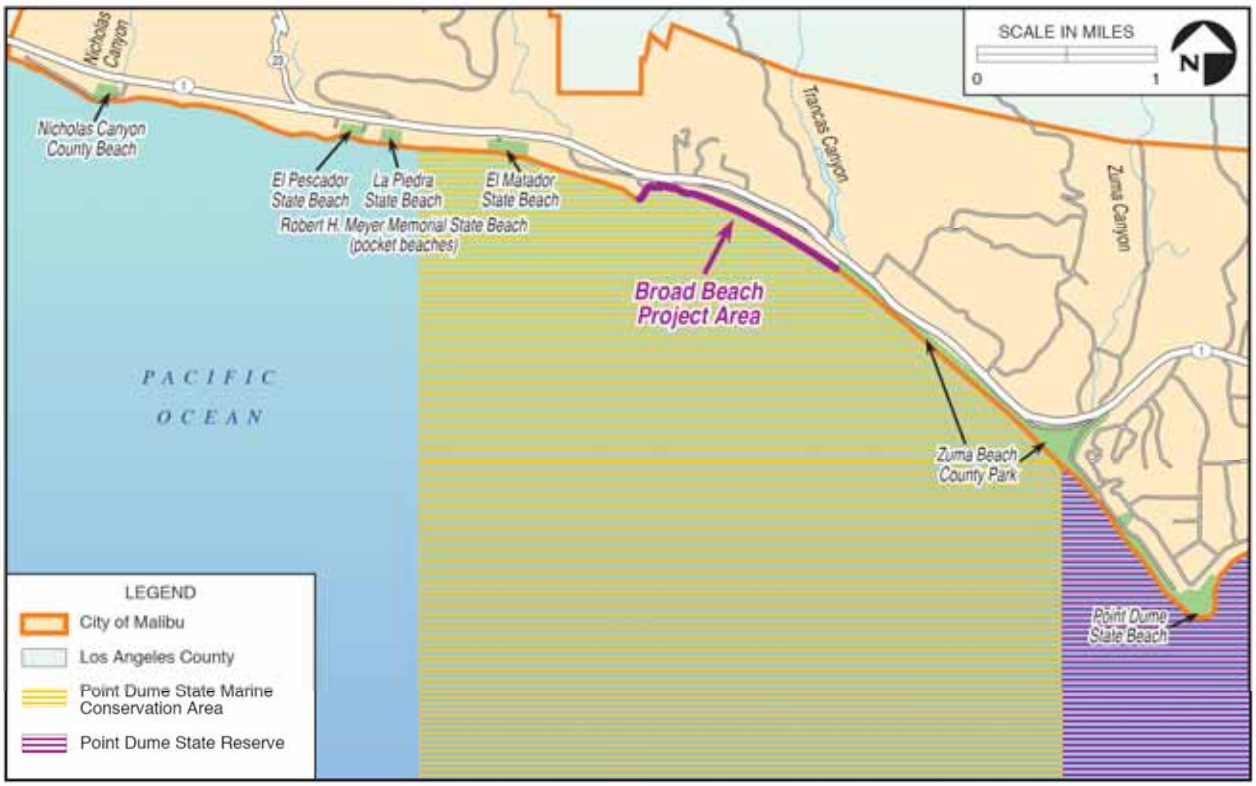
*Construction of the emergency revetment interrupted or blocked historic private vertical access to Broad Beach. In response, homeowners have constructed approximately15 informal rock and geotextile bag stairways across the revetment. Many of these stairways appear to be shared by multiple homes.*

Construction of the emergency revetment has substantially impeded private access to the beach, with the steep uneven surface of the approximately 15 foot tall revetment difficult or even dangerous to traverse, especially when wet from ocean waves or spray. In response, in several places, homeowners appear to be using a shared lateral access pathway behind the revetment which is linked to informal rock or geotextile bag stairways constructed across the revetment to the beach.

*Recreation*

Broad Beach is located in a region that offers substantial recreational opportunities due to its natural beauty, beaches, and climate. The combination of the miles of beachfront and scenic ocean and mountain views create a highly desirable landscape for recreation. Malibu's coastline, and the associated high quality recreational opportunities it provides, are integral to quality of life for the city of Malibu's residents and is a key draw for the city's approximately 15 million annual visitors. These visitors are served by a range of State and county beach parks and low key paths and stairways that provide access to Malibu's 27 miles of coastline.

Broad Beach is located in the vicinity of several popular beach recreation sites, including Zuma Beach to the east, one of Los Angeles County's most heavily utilized beaches (Santa Monica Bay Restoration Foundation 2009) (Figure 3.5-2). Beyond Zuma Beach to the southeast is Point Dume State Beach, which encompasses approximately 30 acres and includes the Point Dume Nature Preserve, as well as a popular surf break. Robert H. Meyer Memorial State Beach[8] and Nicholas Canyon County Beach and associated coastal access points are located northwest of Broad Beach and within 4 miles of the Project area. Zuma and Nicholas Canyon beaches provide a variety of developed visitor-servicing amenities; however, the majority of beaches in the vicinity are more rural and undeveloped in nature.

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**Public Beaches and Marine Protected Areas in the Vicinity of the Project Area**

**FIGURE 3.5-2**

The availability of beach amenities and ease of access at nearby beaches concentrates use at these developed facilities, with more isolated and undeveloped beaches such as Broad Beach often serving users seeking a quieter more natural beach experience (Table 3.5-3). For example, the adjacent Zuma Beach provides 1,965 parking spaces, as well as

[8] Robert H. Meyer Memorial State Beach consists of several "pocket beaches" located between Leo Carrillo and Point Dume State Beaches, including El Pescador, La Piedra, and El Matador Beaches. El Matador Beach is located west of Lechuza Point.

**Table 3.5-3. Beach Facilities in the Vicinity of Broad Beach**

| Beach | Facilities | | | | | | |
|---|---|---|---|---|---|---|---|
| | Parking[1] | Restrooms | Lifeguards | Showers | Picnic and BBQ | Volleyball Courts | Other |
| Broad Beach | Informal | - | - | - | - | - | |
| Zuma Beach County Park | Formal | ✓ | ✓ | ✓ | - | ✓ | |
| Point Dume State Beach | Formal | - | - | - | - | - | Hiking trails |
| Robert H. Meyer Memorial State Beach | Formal and Informal | Portables only | - | - | - | - | |
| Nicholas Canyon County Beach | Formal | ✓ | ✓ | ✓ | - | - | |

[1] Formal parking areas generally include a designated parking lot for the purpose of serving beach goers. Informal parking includes roadside and neighborhood parking areas.

Recreational activities currently take place over most of the area that is accessible to the public, including both consumptive (e.g. fishing) and non-consumptive activities (e.g. swimming, surfing). A majority of beach users engage in non-consumptive recreation, while consumptive activities are less common.

lifeguards, restrooms, outdoor showers, seasonal food stands, and volleyball courts (Los Angeles Department of Beaches and Harbors 2012). Broad Beach is less well known than nearby beaches, and this, in combination with the limited beach width and lack of amenities, leads to use being somewhat limited to private homeowner who live along Broad Beach and local Malibu residents. However, Zuma Beach visitors also represent a substantial portion of recreational users of Broad Beach (Malibu Chamber of Commerce 2012).

The types of recreational use at Broad Beach are consistent with other regional beaches; however, use tends to be less intense than that of adjacent beaches. Due to the popularity of Zuma Beach, Broad Beach often serves as an extension or spillover area of Zuma Beach, where people can walk, jog, or engage in passive recreational activities away from more crowded beach areas. The recreational use of Broad Beach consists primarily of non-consumptive uses, including walking, jogging, picnicking, sun bathing, swimming,

*Broad Beach often serves as an extension of Zuma Beach for public recreation. Recreational activities at Broad Beach primarily consist of walking, running, and beach going; however, surfing, swimming, and dog walking are also popular.*

surfing, and dog walking. Dog walking remains a popular activity at Broad Beach, despite signs posted noting that the beach is off-limits to dogs (Los Angeles County Code sections 17.12.290 and 17.12.300). Tide pooling and bird watching activities tend to occur in the western portion of Broad Beach, where rocky intertidal and seagrass beds provide habitat to a variety of marine species. Parking is also free at Broad Beach as opposed to parking charges at Zuma and some other area beaches. Ample informal on-street parking is available along the northern side of Broad Beach Road as well as along PCH, along both the bluffs overlooking Broad Beach and the Zuma Beach frontage.

Surfing along Broad Beach primarily occurs at shore breaks along the eastern portions of the beach; however, a point break near Lechuza Point can occur during certain winter swells. Broad Beach generally contains less favorable surf conditions as compared to nearby areas (e.g., Leo Carrillo and County Line). In addition to surfing, typical recreational activities occurring offshore Broad Beach include stand-up paddle-boarding, kite boarding, boating, and kayaking.

An informal survey of Broad Beach users conducted on June 16, 2012, found that the majority of people recreating on Broad Beach were engaged in non-consumptive activities, particularly walking, beach going, running, and surfing (Table 3.5-4; refer to Appendix E). During this survey, it should be noted that the beach was almost entirely submerged during the higher +2.8 to +3.0 foot high tides and was limited to an average width of 20 feet during the +2.2 foot low tide.

**Table 3.5-4. 'Snapshot' of Recreational Use at Broad Beach**

| Beach Use (Frequency) | | | | | | |
|---|---|---|---|---|---|---|
| **Beach Going** | **Walking** | **Running** | **Dog Walking** | **Fishing (Historic)** | **Surfing** | **Other** |
| 15 | 23 | 8 | 3 | 2 | 10 | Windsurfing (1)<br>Tidepooling (1)<br>Seaglass Collecting (2)<br>Yoga (1)<br>Paddle-Boarding (1)<br>Boogie Boarding (1) |

Note: The informal survey was performed over a period of approximately 4 hours during a +2-foot low tide, on a partly cloudy Saturday afternoon. During the survey, tides ranged from +2.8 feet, to a minimum of +2.2-foot low tide, then rose again to +3.0 feet. Data includes information provided in 35 surveys completed by beachgoers. Full survey methods and results are provided in Appendix E.
*Source*: AMEC 2012.

Consumptive uses have historically been popular at Broad Beach, particularly surf fishing; however, as of January 1, 2012, the waters offshore Broad Beach are included within the Point Dume SMCA and surf fishing is no longer permitted. The Point Dume SMCA prohibits the recreational take of marine organisms; however, spear fishing for

pelagic finfish, including Pacific bonito and white seabass, is permitted (CDFG 2012).[9] It is anticipated that the prohibition of fishing offshore of Broad Beach will reduce the number of recreational boaters that historically have utilized the area for fishing.

Off-Site Project Areas

The Off-site Project areas are associated with Project sand sources and offshore transportation routes from sand sources to the Project area, as well as beaches and coastlines potentially affected by Project-related changes in sand supply (refer to Figure 1-2). These areas include areas offshore in both Ventura and Los Angeles counties, including Trancas Creek sediment deposit offshore of Broad Beach, the Ventura Harbor dredge site approximately 35 miles to the north of Broad Beach, the Dockweiler Beach dredge site approximately 30 miles to the south of Broad Beach, and the vessel transit paths between these potential sand source locations and Broad Beach. Due to the offshore setting, recreational activities that occur are primarily power boating, sailing, and hook-and-line fishing.

The sand source at the Ventura Harbor sand trap includes the Ventura Harbor area and the beaches that extend for 15 miles downcoast to the Mugu Submarine Canyon. This area supports approximately 1 mile of developed beaches and harbor facilities around Ventura Harbor, over 3 miles of undeveloped natural beaches including the Santa Clara River Mouth, and McGrath State Beach. South of this reach are almost 5.5 miles of more developed beaches including Mandalay State Beach, backed by the homes and other development in Oxnard Shores, Channel Islands Harbor, and Port Hueneme. Beaches in this area tend to be broad, typically ranging from 300 to 500 feet wide and experience a medium to high level of visitation.

Almost 7 miles of generally undeveloped beaches extend south of Port Hueneme, fronting farmland and the Point Mugu Naval Air Station. Portions of the coastline immediately adjacent to the west of Point Mugu Naval Air Station are protected by a rock revetment that extends approximately 2,500 feet south of a rock jetty; however, a majority of the coast in this area contains wide beaches backed by dune complexes and coastal wetlands. Beach recreation in this area is typically low, due to the distance from major roadways and urban areas, and the undeveloped nature of most access points.

The Dockweiler State Beach area is part of a sandy beach extending 7.5 miles downcoast to Redondo Canyon, located just north of the Palos Verdes Peninsula. This area includes the El Segundo dunes, which front Los Angeles International Airport (LAX) and Dockweiler State Beach, located immediately to the southeast. Located further down the coast are some of southern California's most popular developed

[9] Take pursuant to beach nourishment and other sediment management activities is allowed inside the conservation area pursuant to any required federal, state and local permits, or as otherwise authorized by CDFG (ref http://www.dfg.ca.gov/mlpa/scmpas_list.asp CDFG website 10/12/12).

beaches, including Manhattan Beach and Hermosa Beach. This stretch of coastline offers a near-continuous band of 400-foot-wide beach.

Recreational resources in these areas, including the Ventura Gold Coast Beaches, Dockweiler Beach, and downcoast areas may potentially be affected by changes in longshore sand transport, or littoral drift resulting from the proposed withdrawal of sand from these littoral cells. Beaches downcoast of Broad Beach would potentially benefit from additional sand, as the littoral cell would shift sands from Broad Beach towards Zuma Beach, Westward Beach, Point Dume, and beyond (refer to Section 3.1, *Coastal Processes*).

### 3.5.2 Laws Applicable to Public Trust Resources and Values

Federal

*Federal Coastal Zone Management Act*

The Federal Coastal Zone Management Act (CZMA) of 1972, as administered by the State of California through the Coastal Act, applies to this Project. There are no federal regulations, authorities, or administering agencies that regulate land use, public access, or recreation that are specifically applicable to recreational resources with respect to the Project.

State

*California Constitution*

Public access to tide and submerged lands is protected under the California Constitution, which affirms the common law Public Trust doctrine. Article X, Section 4 prohibits any person or entity with a claim to, or possession of, tidal lands or a harbor, bay, inlet, estuary, or other navigable water, to exclude the right of way to such water when required for any "public purpose." Through decisions of the California Supreme Court, recreational purposes are included among "public purposes" for this provision (*Marks v. Whitney (1971) 6 Cal.3d 251*).

In order to implement this constitutional protection, the California legislature enacted California Government Code § 66478.3, which declares that public access to public natural resources is essential to the health and well-being of all citizens of California. The Coastal Act (Pub. Resources Code § 30210) provides that "In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse."

*Management of Public Trust Resources (Public Resources Code)*

The CSLC manages certain lands held in trust for the people of California. The State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States (U.S.) in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the OHWM, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court decision, and waterward three nautical miles. The CSLC also has leasing jurisdiction, subject to certain conditions, over mineral extraction from State property, including those owned and managed by other State agencies (Pub. Resources Code § 68910, subd. [b]). The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine and as provided for in the State's Public Resources Code. The most relevant sections of the Public Resources Code are summarized in Table 3.5-6.

*California Coastal Act*

The Coastal Act of 1976, as amended, established the CCC as a permanent state coastal management and regulatory agency and created a State and local government partnership to ensure that public concerns of statewide importance are reflected in the local decisions about coastal development. The Coastal Act (Pub. Resources Code § 30000 et seq.) was enacted by the State Legislature to provide long-term protection of California's 1,100-mile coastline for the benefit of current and future generations. Section 30001.5 states that the goals are to:

(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources;

(b) Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of the State;

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners;

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast;

(e) Encourage State and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Coastal Act mandates that local governments and constitutional entities prepare a land use plan and schedule of implementing actions to carry out the policies of the Coastal Act. The policies constitute the standards used by the CCC to determine the adequacy of LCPs and the permissibility of proposed development. The city of Malibu has a certified LCP and the city and CCC would use these standards in review of the Project.

The Coastal Act contains policies, which constitute the statutory standards applied to planning and regulatory decisions made by the CCC and by local governments, pursuant to the Coastal Act (see Pub. Resources Code, Div. 20, ch. 3). The specific policies of the Coastal Act address issues such as shoreline public access and recreation, lower cost visitor accommodations, terrestrial and marine habitat protection, visual resources, landform alteration, water quality, transportation, development design, and public works.

The policies presented in the LCPs of local jurisdictions mirror, and in some cases expand on, Coastal Act policies. The relevant LCP for the Project is the city of Malibu LCP. Policies contained within the Malibu LCP are summarized in Table 3.5-8. Other plans and policies that may be important to the evaluation of a particular environmental issue are presented in issue-specific analyses presented throughout Section 3.0 of this APTR. Pub. Resources Code § 30519 provides for the transfer of jurisdiction from the CCC to local jurisdictions involving lands in certified LCPs, except for "…any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled lying within the coastal zone…"

Local

*City of Malibu Local Coastal Program*

The city of Malibu's LCP contains land use policies for development within the coastal zone in the city of Malibu. This program, pursuant to requirements of the California Coastal Act (§ 30108.5), contains the relevant portion of a local government's general plan, or local coastal element, which indicates the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and a listing of implementing actions. An LCP consists of a LUP (policies) and an LIP (zoning requirements which carry out the land use policies). In 2002, the city of Malibu adopted its amended Land Use Plan and Implementation Plan.

The city has incorporated numerous goals and policies into its LCP to ensure conformance with Coastal Act policies. In general, the city's policies strongly encourage

protection of coastal resources including ESHA and scenic qualities, maximization of public access and recreation, and the balancing of social and economic needs.

*City of Ventura LCP*

The city of Ventura's LCP consists of actions in the General Plan that affect coastal resources, which are intended to become part of the Land Use Plan of the LCP, which is accomplished through specific or community plans for those areas. These actions are identified with the logo of the CCC throughout the city's General Plan.

*City of Del Rey LCP*

Dockweiler Beach is located within the Del Rey Lagoon non-LCP, which was denied by the CCC on December 18, 1981. The Dockweiler Beach area is a 143-acre developed public beach. A resubmittal has not taken place as this LCP is not considered a priority with the city of Los Angeles (CCC 2011).

### 3.5.3 Public Trust Impact Criteria

Land use, recreation, and public access impacts will be considered substantial if implementation of the Project would result in:

- Conflicts with adopted land use plans, policies, or ordinances, including the Coastal Act and the Malibu LCP;
- Loss of habitat for and impacts to marine flora or fauna;
- Conflicts with planning efforts to protect recreational resources of the Project area or Off-site areas;
- Use of public trust lands for a primarily private use;
- Termination of public access points or routes that have an established through a history of public use;
- Sustained interference with the recreational use or public enjoyment of public trust lands;
- Interference with the recreational use or public enjoyment of vertical and lateral access and recreational use easements as contemplated by the numerous OTDs recorded and accepted (AREs) along the Project area;
- Substantial physical deterioration of public trust lands or other recreationally used areas;
- Loss of sand to public beaches outside of the Project area, such as to result in a substantial deterioration of beach area or quality; or
- Residual impacts on sensitive shoreline lands, and/or water and non-water recreation due to the deposition or removal of sand.

### 3.5.4 Public Trust Impact Analysis

Construction activities are proposed to occur over an estimated 180-day period during initial construction and again during the renourishment cycle approximately 10 years after initial project implementation. An additional 30-day period is proposed for dune restoration activities, including planting, fencing, signage, and placement of temporary irrigation systems (refer to Section 3.4, *Terrestrial Biological Resources*). Construction equipment and materials would be staged at the west end of the parking lot at Zuma Beach, utilizing approximately 0.25-acres of the public parking lot and adjacent beach.

The following pieces of equipment would be required during the construction phase: bulldozer, excavator, flatbed delivery vehicles, dump truck, generator, compactor and miscellaneous power and hand tools (refer to Section 2.3.2, *Project Description* for a complete listing of construction equipment expected to be used). Temporary or periodic disturbance and closure of portions of Broad Beach and the very western end of Zuma Beach may occur during the construction phase, biannual backpassing maintenance and the major renourishment event.

After initial nourishment, the new beach and dune system is expected to extend over approximately 44 acres, a net increase of approximately 16 acres over existing beach conditions. The new post-construction dry sand beach berm would extend approximately 65 to 125 feet seaward of the dunes, providing approximately 16 acres of dry sandy beach. At its widest point, the combined new beach and dune system would extend approximately 286 feet seaward from the top of the existing revetment to the surf zone on the face of the beach berm.

The longevity of the nourishment at Broad Beach is dependent on a variety of factors, including climatic cycles, wave energy and direction, longshore transport of sand in the littoral cell, sand grain size and other coastal forces, as discussed Section 3.1, *Coastal Processes*. Once sand loss levels reached the proposed renourishment trigger (i.e., when the western beach width is 50 feet or less for 12 consecutive months and the eastern beach width is less than 25 feet wider over the same period or *vice versa*), provided 10 years have passed, the beach would be renourished with a second major sand placement of 350,000 cubic yards (cy). Backpassing would occur until beach width and sand availability was reduced to the point that backpassing was no longer feasible.

**Broad Beach Project Area Impacts**

**Impact REC-1: Construction and Renourishment Effects to Recreation**

**Short-term construction would interfere with recreational use and access on public lands (Unsubstantial with Implementation of Avoidance and Minimization Measures, Class UI).**

Impact Discussion

*Project construction and renourishment would occur over a period of approximately 180 days, during which time public access to and along Broad Beach would be constrained. In addition, the western end of the Zuma Beach parking lot would be utilized as a staging area, precluding its public use.*

Disruption and interference with recreational use and access would occur during an estimated 180-day period required for each full construction and nourishment cycle. An additional period would be required for the initial planting and development of the dune system; however, dune restoration would primarily be done by hand and occur within the ESHAs, resulting in minimal affects to public recreation and access. Dredge sand would be discharged onto the beach via a pipeline, which would run from an offshore monobuoy to the toe of the revetment. The revetment and beach would be buried at intervals to limit disruption of lateral access during construction. Areas of active construction may extend up to 1,000 feet in length at any point during the 180-day period and would be cordoned off and marked with signage to minimize safety risks. In addition, construction equipment and materials, including dredge pipelines, would be staged at the west end of the parking lot at Zuma Beach County Park, precluding recreational use of an approximately 0.25-acre public beach area. Similar effects would occur during each subsequent renourishment event.

The Project would include measures to maintain public access to the maximum extent feasible during construction, while ensuring public safety. The “sectioning” of nourishment would limit physical construction interference to 1,000-foot-long sections of the beach and burying of slurry pipeline components, and a construction vehicle traffic management plan would allow for public access, as feasible, during operations. Additional measures would include signs notifying the public of the dates of nourishment operations that would be posted at public access points and other highly visible locations, and stationing of a flagman at each access point to control construction traffic and avoid conflicts with recreational foot traffic.

In addition to onshore effects in the Project area, offshore recreation and recreation at adjacent beaches would potentially be affected by Project construction. Visual and noise disturbance from construction would potentially degrade the recreational experience for users of Zuma Beach over the 180-day Project construction and future renourishment activities (refer to discussions for Impacts N-1, AES-2, and AES-3).

Offshore users would potentially be affected by the approximately 200 dredge barge trips that would transit to and connect to the monobuoy over the 180-day period. Offshore Project operations would be located approximately 1,350 feet offshore, which would reduce potential impacts to offshore and onshore recreational uses. The monobuoy and pipeline also would be located away from Lechuza Point, in an area of open water that does not offer unique or substantial recreational opportunities. A Vessel Safety Plan would be prepared prior to commencing construction and renourishment operations. It is not anticipated that boating, kayaking, scuba diving, stand-up paddleboarding, surfing, or other offshore recreational uses would be substantially affected. Additionally, offshore operations would be far enough from the beach that sound would not carry to receptors onshore; however, the presence of barges and the monobuoy would degrade the visual setting. Further, dredge operations at the proposed sand sources would result in limited access restrictions during active dredging; however, these limits would be specific to the sand source area and would not preclude boating or other recreation in offshore areas. With implementation of the following avoidance and minimization measures protecting public access and safety, effects would be unsubstantial.

Avoidance and Minimization Measures

**AMM REC-1a: Public Access during Construction and Renourishment.** At least two weeks prior to commencing construction and renourishment operations, the construction contractor shall post signs notifying the public of the scheduled dates of nourishment operations at the public access points and at other highly visible locations along the beach. Construction contractors shall be responsible for maintaining lateral beach access to the maximum extent feasible to permit continued, safe public passage (e.g., burying of dredge pipeline, use of a flagman, and construction vehicle management).

**AMM REC-1b: Public Access and Safety to Offshore Areas during Construction and Renourishment.** The Vessel Safety Plan shall detail avoidance and other measures for reducing potential safety and recreation effects to offshore recreational users.

Rationale for Avoidance and Minimization Measures

Project construction and renourishment activities have the potential to interfere with public recreation and access to Broad Beach and offshore areas, which should be minimized to the maximum extent feasible. This would ensure proper measures are taken during construction and renourishment operations to minimize effects to public beach access and use.

**Impact REC-2: Backpassing Impacts to Recreational Users**

**Backpassing would interfere with recreational use and access on public lands (Unsubstantial with Implementation of Avoidance and Minimization Measures, Class UI).**

Impact Discussion

Disruption and interference with recreational use and access would occur during backpassing, anticipated to occur either annually or biannually. Construction would require one bulldozer and three scrapers to move sand from the east end of Broad Beach to eroded areas further to the west over a period of approximately 2 weeks. Construction equipment and materials would be staged at the west end of the parking lot at Zuma Beach County Park, precluding recreational parking on approximately 0.25 acres of public parking lot.

During construction, the contractor would establish measures to maintain public access to the maximum extent feasible during construction, while ensuring public safety, including fencing or signs to control public access to the work site, as well a designated access points through the work zone. Minimal effects to offshore recreation and recreation at adjacent beaches would occur during backpassing. Visual and noise disturbance from construction would potentially degrade the recreational experience for users of Zuma Beach over the 2-week period; however, construction would be scheduled either during Fall or Spring, to avoid the busiest summer months. With implementation of AMMs to ensure public access and safety, effects would be unsubstantial.

Avoidance and Minimization Measures

**AMM REC-2a: Public Access during Backpassing.** At least two weeks prior to commencing backpassing operations, the construction contractor shall post signs notifying the public of the scheduled dates of backpassing at the public access points and at other highly visible locations along the beach. The construction contractors shall be responsible for maintaining lateral beach access to the maximum extent feasible to permit safe public passage (e.g., designated public access points, flagman, and construction vehicle management).

Rationale for Avoidance and Minimization Measures

Project backpassing has the potential to interfere with public lateral access to Broad Beach, which should be minimized to the maximum extent feasible. This would ensure proper measures are taken during backpassing operations to minimize effects to public beach access.

**Impact REC-3: Medium- and Short-Term Effects to Recreational Use**

**Project construction and maintenance of a widened beach and restored dune system would increase and enhance public recreation opportunities and lateral access (Beneficial, Class B).**

Impact Discussion

A substantial beneficial effect to recreation would occur during the life of the Project, with these benefits anticipated to last for 10 to 20 years or possibly longer depending on the number and effectiveness of beach nourishment and maintenance activities, and the rate of coastal erosion. Current conditions primarily limit beach access to low tides, during which the beach is estimated to provide up to 25 acres for public recreational uses compatible with a low-tide beach (e.g., walking, jogging, swimming, body surfing, etc.). However, this beach is often submerged during medium and high tides, and during these tides lateral access is largely blocked by the revetment, limiting the amount of time that the public can use and enjoy these public trust lands.

*Implementation of the project would result in a dry sand beach berm, such as those currently found in the eastern Project area, covering 16 acres and expanding the recreational opportunities available on Broad Beach, as well as increasing the time public would be able to access and use the beach.*

The Project would include burying the revetment beneath the new sand dune system and restoration of a historically wide dry sandy beach berm, permitting public recreation and lateral access during medium and high tides on public trust lands that are currently submerged during such tides. Thus, over the short- to mid-term, the Project would substantially expand the amount of time that Broad Beach could be accessed by the public and increase the type of recreational activities that could be accommodated to include those that typically occur on dry sand beach berms (e.g., sun bathing, picnics, etc.). The post-construction restored dune and beach (as measured from the landward side of the dune to the edge of the beach face) would range in width from approximately 110 feet in the western portions near Lechuza Point to approximately 240 feet near Trancas Lagoon in the eastern portion of the Project area. The beach and dune would be approximately 200 feet along the majority of the beach (Figure 3.5-3). This would result in a net increase of approximately 15.6 acres of dry sand beach. This substantial increase would occur initially after construction and renourishment; however, it is anticipated that the constructed beach would immediately undergo reworking by waves and tides that distribute the sand both offshore and alongshore (i.e., equilibration erosion). This equilibration erosion is anticipated to reduce this total area by approximately 30 percent after the first year to a total dry beach area

of approximately 11 acres (refer to Appendix B). Of this total beach area, a privacy buffer as proposed by the Project Applicant would prohibit public access on 3.5 acres (32 percent) of this new beach which, it should be noted, would be located on public trust land. The portion of public trust lands that the privacy buffer would occupy would increase further as the beach width declined.

The dune system would not be open to public recreation and access, in order to protect ESHA; however, public vertical access across the dunes would remain at the two existing vertical access points. The dune system would preclude public use over approximately 11 acres, overlying substantial areas of public trust lands and AREs. However, over the short- to mid-term, the Project would result in a substantial increase of dry sand public beach that would increase both the range of recreational activities that could occur on Broad Beach and the amount of time that Broad Beach would be accessible to the public. The Project would therefore result in a substantially enhanced and expanded public recreation area, backed by a scenic dune system, as compared to current conditions. However, while these benefits would be substantial, they would also be ephemeral. It is anticipated that erosion of the beach area would continue, despite backpassing. These benefits may potentially remain for approximately 10 to 20 years; however, worst-case-scenario modeling projects a potential for a return to near existing conditions within 5 years of initial nourishment, particularly at the beach's west end. This could result in coastal erosion eliminating the entire dry sandy beach and substantial loss of new sand dunes with potential for exposure of the revetment, and associated adverse effects of blocking public access to public trust lands and AREs (refer to Impact REC-5 below; Appendix E).

Because of this potential erosion, the timing of renourishment is critical to extending these beneficial effects. The Project Applicant currently proposes that renourishment be triggered when the nourished beach is in deficit (i.e., the point in time when the western beach width is 50 feet or less for 12 consecutive months and the eastern beach width is less than 25 feet wider over the same period or *vice versa*), provided 10 years have passed. Given the potential for the beach to return to near existing conditions within 5 years, the public benefit provided by the Project could be eliminated prior to the stipulated 10 years for renourishment, eliminating this benefit.

The erosion of sand from Project nourishment and renourishment would likely result in direct benefits to beaches downcoast, including Zuma Beach and Point Dume, which are anticipated to benefit from the influx of sand to the immediate littoral cell, contributing to incrementally wider beaches with associated coastal access and recreational benefits.

**Figure 3.5-3. Central Broad Beach – Project Relationship to Public Trust Lands/Applicant-Proposed Access Plan**

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Avoidance and Minimization Measures

**AMM REC-3a: Beach Profile Reporting.** The Applicant shall submit quarterly monitoring reports prepared by an approved third party monitor to the CSLC. Monitoring reports shall provide beach profile information obtained during that period, consistent with monitoring procedures outlined in Section 2.2.8, *Project Description,* of CSLC's *Analysis of Public Trust Resources and Values*. Monitoring reports shall identify action items for subsequent periods, including but not limited to the initiation of backpassing or renourishment based on beach profile proximity to triggers.

**AMM REC-3b: Renourishment Triggers.** The trigger to begin a renourishment event shall be the point in time when insufficient sand is available for backpassing in the fall season, as indicated when:

- The west end of the nourished beach is in deficit (i.e., the point in time when the western average is 50 feet or less for 12 consecutive months) and the eastern average is less than 25 feet wider over the same period of time.
- The east end of the nourished beach is in deficit (i.e., the point in time when the eastern average is 50 feet or less for 12 consecutive months) and the western average is less than 25 feet wider over the same period of time.

The renourishment event shall be implemented based on triggers listed above, regardless of the amount of time passed since the initial nourishment.

Rationale for Avoidance and Minimization Measures

The majority of the Project would be constructed on public trust land under the jurisdiction of the CSLC. Quarterly progress reports would ensure CSLC is current on the status of the beach profile and the need for proposed backpassing or renourishment.

Due to the potential for the beach to return to near existing conditions within 5 years of project implementation, renourishment may be required prior to the 10 years stipulated as part of the Project, and may be required more than once during the 20 year project life to maintain the public benefit the project is expected to provide. The incorporation of avoidance and minimization measures would require beach width to be maintained at a level that would continue to provide beneficial recreational opportunities and ESHA.

**Impact REC-4: Privacy Buffer Effects to Public Trust Lands, Public Access, and Recreational Use**

**The privacy buffer would place a substantial percentage of dry sand beach berm overlying public trust lands off limits to the public and potentially lead to renewed access conflicts at Broad Beach (Unsubstantial with Implementation of Avoidance and Minimization Measures, Class UI).**

Impact Discussion

The proposed privacy buffer would prohibit public access on 3.5 acres of public trust lands (Figure 3.5-3). The privacy buffer would constitute approximately 21 percent of the overall dry beach berm on the post-construction beach.[10] In the beach's western reach, the privacy buffer would occupy almost 40 percent of the level beach berm. This portion of public trust lands that the privacy buffer occupies would increase as beach width declines over time. Potential conflicts may be reduced in areas of the beach where substantial dry sand beach berm occurs due to sufficient availability of recreational beach area; however, as the beach profile narrows and in western reaches of the Project area where the beach is more narrow, the potential for conflict for use of the beach would be substantial. Thus, imposition of a privacy buffer would displace the public from a substantial portion of the dry sand beach berm which overlies public trust lands.

The Applicant has proposed that the public be allowed to use the privacy buffer to pass if the beach is otherwise impassible due to high tides or times of beach erosion; however, the public would still be precluded from recreational use (e.g., sunbathing, picnics, etc.) within these public trust lands for much of the project duration. The imposition of a privacy buffer on public trust land would also raise the potential for renewed access conflicts at Broad Beach. The history of conflict resulting from privacy or trespass concerns of private residents and exclusion of the public from public trust lands or easements at Broad Beach creates the potential for renewed conflict over a privacy buffer. In the past, security guards have been employed to limit public use of the beach. The potential for enforcement by private security guards of the privacy buffer restrictions would be reminiscent of previous conflicts over public access and use of Broad Beach, and would be particularly inappropriate as the buffer would overlie public land. In addition, the sand dunes would be roped off and signed as ESHA to discourage public entry and would act as an approximately 55- to 102-foot wide buffer between the public beach and residents homes. The exclusion of the public from 3.5 acres of public trust lands included within the privacy buffer would result in a substantial effect to public recreation and use of Broad Beach.

[10] The total beach berm would be approximately 16 acres after initial nourishment. The beach face would be available for use, but this area is sloping, can be subject to wave run up, and is less desirable than level beach berm.

Avoidance and Minimization Measures

**AMM REC-4a: Elimination of Privacy Buffer.** A privacy buffer on public trust lands shall not be permitted.

Rationale for Avoidance and Minimization Measures

The privacy buffer would limit public use of public trust lands, inconsistent with the California Constitution, the goals of the California Coastal Act and the city of Malibu LCP. Additionally, the proposed dune system would serve as a de-facto privacy buffer for Broad Beach residents, as public access within the dune would be limited due to ESHA and protection of sensitive habitat.

**Impact REC-5: Long-Term Effects to Recreational Use**

**Exposure of the revetment though coastal erosion after cessation of beach nourishment would adversely affect recreational beach use and access by blocking public access to Public Trust Lands and easements (Unsubstantial with Implementation of Avoidance and Minimization Measures, Class UI).**

Impact Discussion

A substantial beneficial effect to recreation would occur during the projected 10 to 20 year life of the Project due to creation of a wide sandy beach. However, after both the initial and second proposed nourishment event, these benefits would begin to diminish as coastal processes cause the beach to retreat back to current conditions, eroding portions of the dune system and eventually re-exposing the revetment which would block public access to public trust lands and AREs.

*Permitting the revetment as a permanent structure overlying or cutting off access to almost two acres of public trust land and access easements would result in substantial long-term adverse impacts to recreation and access after cessation of beach renourishment activities.*

The Applicant has proposed the option, at the Applicant's discretion, of providing additional nourishment events; however, because the Applicant has not committed to such future nourishment, this analysis assumes no additional renourishment events would occur. If no future renourishment was to occur after implementation of the second renourishment, it is anticipated that natural processes would erode the Project beach and restored dune system within 20 years – and potentially as quickly as within 5 years – resulting in the substantial loss of recreational benefits and dune ESHA.

Construction of the existing emergency revetment in its existing location on public trust lands was never authorized by the CSLC. The erosion of the proposed beach and dune would eventually result in exposure of the revetment, which would substantially inhibit public lateral beach access that is an anticipated benefit of the Project. The Applicant is proposing that the existing but previously unauthorized by the CSLC emergency revetment be permitted as an authorized structure as part of the Project. Since the revetment overlays or is seaward of 2.02 acres of AREs and public trust lands, the permitting of the revetment as proposed by the Applicant would prohibit public use of these access easements. Additionally, public lateral access would again be impeded by the revetment as under existing conditions. The long-term loss of public access to 2.02 acres of public trust land and AREs would be a substantial adverse effect. Therefore, the beach renourishment aspect of this project ("soft solution") is a critical component as it offsets the adverse effects created by the installation of the revetment, which serves as both a physical impediment to usable beach area (i.e., AREs), as well as an impediment to lateral public access in places where the beach would otherwise be accessible only at low tide. Continued maintenance of a wide sandy beach berm to offset adverse revetment impacts is a critical to minimize long-term effects to recreational use.

Additionally, long-term effects of sea level rise on the Project would potentially be adverse. The CSLC *Report on Sea Level Rise Preparedness* notes that sea level rise in combination with increased storm intensity may lead to the loss of sandy beaches in some areas, which, coupled with the potential increase in shoreline protective devices, could reduce or eliminate public access along the coastline (CSLC 2009).

According to tide data maintained by the National Oceanic and Atmospheric Administration (NOAA), the California coast is experiencing differing rates of sea level rise, or fall, the magnitude and direction of change which are specific to certain regions along the coast. In the Los Angeles area, long-term tide records (1924 to present) at the NOAA Los Angeles Outer Harbor station indicates a water level change of 3.3 ±1.1 inches per century. Sea-level rise over the short- to mid-term project horizon (e.g., 10 to 20 years) is projected to be approximately 3 to 7 inches under the reasonable worst case scenario in relation to daily tidal range changes (Moffat and Nichol 2012). Under these projections, sea level rise would contribute between 5 to 12 feet of erosion at Broad Beach over the next 10 to 20 years (refer to Section 3.1, *Coastal Processes*). Therefore, the impact of sea-level rise on the Project over its 10 to 20 year life would be insignificant. Over the long term, particularly after 2050, sea level rise is projected to accelerate. Higher sea levels after 2050 would be expected to substantially accelerate coastal erosion, potentially exposing the restored dunes, emergency revetment and homes and septic systems to damage from coastal processes with potentially substantial direct and secondary effects on public trust resources.

CSLC sea level guidance recommends: "Where appropriate, staff should recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access" (CSLC 2009). As proposed by the Applicant, the Project would result in the permitting of a revetment in a location that would result in the impediment of public access to public trust lands over the long-term as the shoreline and MHTL shift landwards. Therefore, a long-term permit for the revetment would be potentially inconsistent with the recommendations of the State of California and CSLC guidance related to sea level rise.

Avoidance and Minimization Measures

**AMM REC-5a: Requirement of Additional Nourishment.** The Applicant shall commit to additional nourishment events as necessary within the 20-year Project lifetime to maintain the public benefits of the widened beach and protection of the restored dune system. The timing and quantity for any additional nourishment would be based on the objective triggers identified for the Project.

**AMM REC-5a: Financial Surety for Revetment Removal.** In accordance with standard California State Lands Commission (CSLC) lease procedures, prior to lease approval, the Applicant shall post a bond or other financial surety for the removal of the revetment. The financial surety shall be valid for a minimum period of 20 years, and shall be unencumbered for use by CSLC should removal of the revetment be required and/or earlier expiration of the lease.

**AMM REC-5c: Sea Level Rise Effects.** The effects of sea level rise on Broad Beach shall be analyzed towards the end of the Project life (20 years) and reported to the California State Lands Commission (CSLC). This would include, but not be limited to, analysis of potential changes in property boundaries from the resultant changes in the elevation of the mean high tide line and the effects of increased erosion rates on the need for beach nourishment. Where changes in property boundaries occur that result in additional public trust lands being impeded from public use in the Project area, the CSLC shall determine appropriate Project measures to ensure no net loss of public trust lands available for public use in the Project area. Rationale for Avoidance and Minimization Measures

The incorporation of avoidance and minimization measures would reduce substantial effects by ensuring that the permitting of a permanent revetment would entail sustained renourishment and restoration of a public beach and dune system, or complete removal of the revetment if the public beach were not sustained. Additionally, the incorporation of sea level rise effects into future avoidance and minimization measures would ensure that the Project can be appropriately adjusted to account for the effects of sea level rise as future conditions require.

The requirement for additional nourishment is consistent with CSLC procedures and would allow CSLC to ensure beach nourishment and restoration is adequate in providing for ongoing public access, recreation, and ESHA. Additionally, the financial surety would ensure that, should nourishment and restoration be inadequate, the funds necessary for the removal of the revetment are available at CSLC's discretion.

**Impact REC-6: Conflicts with Malibu Local Coastal Program (LCP), California Coastal Act, and Public Resources Code Policies**

**Project impacts to ESHAs and on public access to and use of public trust lands would potentially conflict with the California Coastal Act and Malibu LCP policies (Substantial, Class S).**

Impact Discussion

Implementation of the Project, particularly the potential for impacts to an ESHA, long-term public access and recreation, and coastal processes, would create substantial adverse physical impacts and potentially be in conflict with multiple provisions of the Malibu LCP and California Coastal Act.

The Project revetment overlies an ESHA, which historically provided degraded dune habitat. The proposed dune restoration would be inadequate to mitigate effects to the dune ESHA, conflicting with LCP Policy 3.6 (refer to Table 3.5-8). The offshore ESHA could also be adversely affected as sensitive marine biological resources within the Project area, including surfgrass beds and rocky intertidal habitat, which would be smothered or could be adversely affected by imported sand. In addition, increased sand transport downcoast could change the hydrology of a coastal estuary (Trancas Lagoon). Project construction could also affect marine water quality through mobilization of sediments during dredging and potential release of contaminated materials, conflicting with California Coastal Act Section 30230 and Malibu LCP Policies, as detailed in Tables 3.5-7 and 3.5-8 below.

The Applicant's proposed dune restoration is extremely conceptual. Because successful implementation of long term dune restoration is extremely challenging, the lack of specific proposals, limited plant palette, and lack of clear long-term maintenance plans increases the potential for failure or limited success of the proposed restoration effort. In addition, the Project would include 114 private walkways and two public access points across 6,000 linear feet of dune habitat, leading to serious fragmentation and direct and indirect impacts to dune vegetation, further decreasing potential for successful restoration. This leaves the project potentially inconsistent with provisions for protection of the dune ESHA and potentially inconsistent with Malibu LCP policies 3.14 and 3.16. Additionally, Malibu LCP policy 3.9 requires trails through ESHA to be sited to minimize effects to ESHAs, which would not be feasible with private walkways occurring every approximately 50 feet.

Project construction is estimated to result in direct burial of approximately 2 acres of rocky intertidal habitat (approximately 5 percent of the Broad Beach Restoration Project area). Additionally, approximately 1 acre of surfgrass supported by lower intertidal rocky habitat may be directly or indirectly impacted by sand placement in Lechuza Cove. Impacts of burial of such habitats would be extended and exacerbated by backpassing (refer to Impact MB-1) and would be generally repeated in an estimated 5 to 10 years with the single planned major renourishment event. Rocky intertidal and surfgrass potentially impacted are located within the SMCA and are therefore considered ESHA. Project impacts would potentially conflict with Malibu LCP policies 3.12, 3.14, and 3.75 regarding the protection of marine ESHA (refer to Table 3.5-7).

Initially, Project implementation would be consistent with the goals and policies of the California Coastal Act and Malibu LCP regarding public access; however, after both the initial and second (currently last) proposed nourishment event, these benefits would immediately begin to diminish as coastal processes cause the beach to retreat. Long-term benefits would be eliminated without continued major renourishment and public access on public trust lands and easements along the shoreline would be again severely impeded by the emergency revetment, inconsistent with the Malibu LCP (refer to Table 3.5-7).

The Project includes implementation a ‘soft solutions’ of beach and dune restoration through sediment importation and nourishment as well as the “hard solution” of validation of the existing revetment for the life of the project, estimated at 10 to 20 years. However, after cessation of beach nourishment, coastal erosion is projected to begin eroding beach and dune areas such that the revetment would be exposed and benefits would be eliminated or substantially reduced within approximately 20 years. At that time, without further nourishment, retention of the revetment in its current location would conflict with LCP Policy 4.32.

Implementation of avoidance and minimization measures contained within this APTR would permit the Project to potentially achieve consistency with relevant policies of the California Coastal Act and Malibu LCP.

Avoidance and Minimization Measures

AMM TBIO-1a would apply to this impact.

Off-Site Project Area Impacts

**Impact REC-7: Sand Supply Effects on Regional Sand Resources**

**Project would potentially reduce sand supply to other beaches and/or for future nourishment projects, indirectly affecting recreational opportunities on downshore Ventura and Los Angeles county beaches (Unsubstantial, Class U).**

*Impact Discussion*

The Project would obtain sand from three potential sand sources to implement the nourishment project. The Project would utilize 500,000 cy of coarser-grained beach sand dredged from a site off Dockweiler Beach or a site just outside of Ventura Harbor (refer to Figure 2-7). Given the generally southward direction of sand movement within littoral cells in Southern California, the removal of this sand has the potential to reduce the supply of sand to downcoast beaches of these dredge sites. For the Ventura Harbor, down coast beaches would include the Ventura Harbor area and the beaches that extend for 15 miles downcoast to near Point Mugu. This stretch of coastline includes over 3 miles of undeveloped natural beaches including the Santa Clara River Mouth, and McGrath State Beach, as well as developed beaches such as Mandalay State Beach and Oxnard Shores. According to the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON), which is responsible for sand management in the Santa Barbara Littoral Cell, the export of 500,000 cy of sand from the Ventura Harbor sand trap would represent approximately 80 percent of the average annual longshore transport in this area. The renourishment would require an additional 450,000 cy of sand, for a total of approximately 950,000 cy over the life of the Project. Because this sand trap is currently dredged, with sand providing an important source of beach sand to beaches south of the Ventura Harbor, the Project would potentially reduce the sand supply for downcoast beaches. This could result in a narrowing of beach width; however, beaches in this area tend to be broad, typically ranging from 300 to 500 feet wide, and it is anticipated that overall reductions would not be noticeable to the average recreational user of these beaches (refer to Section 3.1, *Coastal Processes*).

Additionally, the Dockweiler Beach area includes the sandy beach extending 7.5 miles downcoast to Redondo Canyon located just north of the Palos Verdes Peninsula. The Project would withdraw sand from outside of the littoral cell and would not directly affect annual sand transport volumes along this section of coast. However, removal of this sand source could deprive future beach restoration projects of a high quality sand source, potentially affecting future beach widths and recreational opportunities. The beaches that would be potentially affected by the Project include Dockweiler State Beach and downcoast beaches such as El Portal, Manhattan Beach and Hermosa Beach. This stretch of coastline offers a near continuous band of 400 foot wide beach, except at El Portal Beach downcast from the Chevron breakwater where the beach narrows to 100 feet. However, because this sand is part of an offshore deposit that is estimated to contain more than 3,000,000 cy of beach-quality sediment that is not currently designated for use on any other regional beaches, it is anticipated that the use of these sand sources for beach nourishment at Broad Beach would not substantially affect width of other southern California beaches.

An additional 150,000 cy of fine-grained sand would be dredged from Central Trancas site offshore Broad Beach for placement on the dune system. The proximity of the Project to this sand deposit would result in sand dredged from this deposit remaining in the same area and potentially ending up at downcoast beaches in the Project vicinity, should the dunes erode. Therefore, the Project would not result in a loss to down coast beaches, such as Zuma or Point Dume. Additionally, it is anticipated that these beaches will benefit substantially from nourishment at Broad Beach, as it is anticipated that as sand is eroded from Broad Beach it would be deposited at these adjacent down coast beaches.

Sand of the appropriate grain-size and quality is an increasingly important resource as jurisdictions seek to implement sand nourishment projects to enhance recreation and provide 'soft' shoreline protection. The Project would result in a decrease of available sand for other nourishment projects; however, effects would be unsubstantial given the quantity of sand available from regional sources.

**Table 3.5-5. Summary of Land Use, Recreation, and Public Access Impacts and Avoidance and Minimization Measures**

| Impact | Avoidance and Minimization Measures |
|---|---|
| **REC-1:** Construction and Renourishment Effects to Recreation | **AMM REC-1a**: Public Access and use during Construction and Renourishment<br>**AMM REC-1b:** Public Access and Safety to Offshore Areas during Construction and Renourishment |
| **REC-2:** Backpassing Impacts to Recreational Users | **AMM REC-2a:** Public Access during Backpassing |
| **REC-3:** Medium- and Short-Term Effects to Recreational Use | **AMM REC-3a:** Beach Profile Reporting<br>**AMM REC-3b:** Renourishment Triggers |
| **REC-4:** Privacy Buffer Effects to Public Trust Lands and Access and Recreational Use Easements | **AMM REC-4a:** Elimination of Privacy Buffer |
| **REC-5:** Long-Term Effects to Recreational Use | **AMM REC-5a:** Requirement of Additional Nourishment<br>**AMM REC-5b:** Financial Surety for Revetment Removal<br>**AMM REC-5c:** Sea Level Rise Effects |
| **REC-6:** Conflicts with Malibu LCP and California Coastal Act Policies | **AMM TBIO-1a:** Implementation of a Comprehensive Dune Restoration Plan<br>Additional Relevant AMMs |
| **REC-7:** Sand Supply Effects on Regional Sand Resources | No AMMs recommended |

Table 3.5-6 summarizes the California Public Resources Code policies that most relate to the Project. Table 3.5-7 summarizes the California Coastal Act policies that are most relevant with the Project. Table 3.5-8 summarizes the Malibu LCP policies that most relate to the Project.

## Table 3.5-6. California Public Resources Code Summary

| Policy | Relationship to Project |
|---|---|
| 6005. Whenever permissive authority or discretion is vested in any public officer or body under this division, such authority or discretion is subject to the condition that it be exercised in the best interests of the State. | The existing revetment and Project would result in adverse effects to public trust lands under the jurisdiction of the CSLC. AMMs would be implemented to reduce adverse environmental impacts and to ensure the Project, if implemented, is in the best interest of the State. |
| 6210.9. If the commission has public land, including school land, tide or submerged lands, and lands subject to the public trust for commerce, navigation, and fisheries, to which there is no access available, it may, in the name of the state, acquire by purchase, lease, gift, exchange, or, if all negotiations fail, by condemnation, a right-of-way or easement across privately owned land or other land that it deems necessary to provide access to such public land. | Access to the Project area is provided at four locations: Lechuza Point, two vertical access points, and Zuma Beach. Therefore, access is available; however, access is considered deficient, as the Malibu LCP requires access to be provided every 1,000 feet along Broad Beach. |
| 6216.1. The commission may remove or cause to be removed any manmade structures or obstructions from ungranted lands under its jurisdiction if the commission determines that such removal is appropriate and the Attorney General advises that there is no legal recourse to compel other responsible parties to effect such removal. | The CSLC maintains the authority to remove or cause the removal of portions of the revetment on public trust lands and AREs that are covered or obstructed by the revetment. |
| 6224.1. Any person who trespasses upon any lands owned or controlled by the state and under the jurisdiction of the commission, including, but not limited to, tidelands, submerged lands, the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, or straits, or any school lands, lieu lands, or swamp and overflowed lands, without lawful authority, is liable to the state for the amount of damages which may be assessed therefore, in any civil action, in any court having jurisdiction. | The CSLC maintains the authority to assess damages associated with trespass of portions of the revetment on public trust lands and AREs that are covered or obstructed by the revetment. |
| 6301. The commission has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the State, and of the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits, including tidelands and submerged lands or any interest therein, whether within or beyond the boundaries of the State as established by law, which have been or may be acquired by the State (a) by quitclaim, cession, grant, contract, or otherwise from the United States or any agency thereof, or (b) by any other means. All jurisdiction and authority remaining in the State as to tidelands and submerged lands as to which grants have been or may be made is vested in the commission. The commission shall exclusively administer and control all such lands, and | All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are the jurisdiction of the CSLC and subject to the protections of the Common Law Public Trust. |

**Table 3.5-6. California Public Resources Code Summary (Continued)**

| Policy | Relationship to Project |
|---|---|
| may lease or otherwise dispose of such lands, as provided by law, upon such terms and for such consideration, if any, as are determined by it. The provisions of this section do not apply to land of the classes described in Section 6403, as added by Chapter 227 of the Statutes of 1947. | |
| 6302. The commission may eject from any tide and submerged lands, beds of navigable channels, streams, rivers, creeks, lakes, bays, and inlets under its jurisdiction, any person, firm, or corporation, trespassing upon any such lands, through appropriate action in the courts of this state. The commission may recover costs of ejectment through the legal action. | The CSLC maintains the authority to remove or cause the removal of portions of the revetment of public trust lands and AREs that are covered or obstructed by the revetment. |
| 6303. The commission may grant the privilege of depositing material upon or removing or extracting material from swamp, overflowed, marsh, tide or submerged lands, beds of navigable streams, channels, rivers, creeks, bays or inlets owned by the State, for improvement of navigation, reclamation, flood control or, for purposes connected with the erection or maintenance of structures authorized under Article 2 (commencing at Section 6321) of this chapter, upon such terms and conditions and for such consideration as will be for the best interests of this State.<br>When a contractor or permittee has a contract with or a permit from the federal government or any authorized public agency to dredge swamp, overflowed, marsh, tide or submerged lands, beds of navigable streams, channels, rivers, creeks, bays, or inlets for the improvement of navigation, reclamation, or flood control, the commission, may when in the best interests of the State, allow such contractor or permittee to have sand, gravel, or other spoils dredged from the sovereign lands of the State located within the areas specified in such contract or permit upon such terms and conditions and for such consideration as will be in the best interests of the State notwithstanding the provisions of Section 6900 and Section 6992 in respect to competitive bidding. The amounts of sand, gravel or other spoils so removed from sovereign lands shall not exceed those specified in the contract or permit. | All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are the jurisdiction of the CSLC and subject to the protections of the Common Law Public Trust. This includes granting the privilege of depositing sand, such as proposed under the Project. AMMs would be implemented to reduce adverse environmental impacts, and to ensure the Project is exercised in the best interest of the State.<br>The Applicant is required to obtain a lease from the CSLC to undertake dredging operations at the proposed Ventura Harbor, Trancas or offshore Broad Beach locations, and from the city of Los Angeles at the offshore Dockweiler Beach location. |
| 6303.1. Any person who knowingly and willfully fills, dredges, or reclaims any state-owned land under the jurisdiction of the commission underlying any navigable waters, or who erects, maintains, removes, or alters any | In 2010, the city of Malibu and the CCC authorized the Trancas Property Owners Association (TPOA) to construct the temporary emergency rock revetment. This revetment was accepted as the |

## Table 3.5-6. California Public Resources Code Summary (Continued)

| Policy | Relationship to Project |
|---|---|
| structure on such land, without written authorization from the commission is guilty of a misdemeanor. Nothing in this section shall be construed to prevent public agencies from performing emergency alteration, maintenance, repair, or removal of flood control works or structures on state-owned lands underlying navigable waters. | minimum action necessary, and the least environmentally damaging alternative, to implement the interim shore protection required to protect structures and public health. The CSLC has to date not authorized the construction of the emergency rock revetment for those portions of the revetment located on public trust lands. |
| 6305. The powers granted by this chapter to the commission as to leasing or granting of rights or privileges with relation to such lands owned by the State are hereby conferred upon the counties and cities to which such lands have been granted. | All tidelands and submerged lands granted to counties or cities within the Project area and Off-site Project area are subject to the protections and authority of Chapter 4, of Part 1, of Division 6 of the Public Resources Code. |
| 6309. (a) The commission shall administer the Shipwreck and Historic Maritime Resources Program, which consists of the activities of the commission pursuant to this section and Sections 6313 and 6314.<br>(b) The commission has exclusive jurisdiction with respect to salvage operations over and upon all tide and submerged lands of the state. The commission may grant the privilege of conducting salvage operations upon or over those lands by the issuance of permits. The commission may adopt rules and regulations in connection with applications for those permits, and the operations to be conducted in the salvage operation, that the commission determines to be necessary to protect those lands and the uses and purposes reserved to the people of the state.<br>(c) The commission may issue permits for salvage on granted tide and submerged lands only after consultation with the grantee and a determination by the commission that the proposed salvage operation is not inconsistent with the purposes of the grant.<br>(d) A salvage permit shall be required of a person or entity to conduct any salvage operation. As used in this section and Section 6313, "salvage operation" means any activity, including search by electronic means, or exploration or excavation using tools or mechanical devices, with the objective of locating, and recovering or removing vessels, aircraft, or any other cultural object from the surface or subsurface of state submerged lands.<br>(e) Salvage permits shall be issued for one year, with the option to renew the permit for additional one-year periods at the discretion of the commission upon a showing that the permitholder has diligently and lawfully pursued the permitted activity and has achieved to a reasonable | No known archeological resources are present on public trust lands in the Project area or Off-site Project area. Should any inadvertent discoveries be made during Project implementation, the commission would have jurisdiction over salvage operations pursuant to this section and PRC Sections 6313 and 6314. |

**Table 3.5-6. California Public Resources Code Summary (Continued)**

| Policy | Relationship to Project |
|---|---|
| extent the purpose for which the permit was issued.<br>(f) The commission may require that a person designated by the commission and paid by the permitholder be present during each phase of a salvage operation to observe and monitor compliance with the terms of the permit. The permitholder shall, upon the request of the commission, provide or pay for a reliable communication system for the observer to maintain contact with the office of the commission while on the salvage site.<br>(g) The commission may issue a permit for the search or recovery of nonhistoric vessels, aircraft, or submerged objects, and for the search, archaeological investigation, and recovery of historic vessels, aircraft, or other submerged historic resources as defined in subdivision (b) of Section 6313. The commission shall determine the appropriate type of permit to issue based on its evaluation of the salvage project and the project's probable impact on the site or objective, and the impact on the state submerged lands. The commission shall not require a permit for any recreational diving activity which does not disturb the subsurface or remove objects or materials from a submerged archaeological site or submerged historic resource as defined in Section 6313.<br>(h) (1) Permits may be revoked by the commission, after notice to the permitholder, at any time the commission finds that the permitholder has failed to comply with the terms of the permit or any law or regulation governing the permitted activity. (2) A stop work order may be issued by the executive officer of the commission at the request of the onsite observer provided by subdivision (f), if the observer determines that the activities of the permitholder are not within the permitted activity. A stop work order shall be issued after the nonpermitted activity is brought to the attention of the person in charge of the onsite operation and that person fails or refuses after sufficient time and opportunity to change or correct the activity. Written notice of the stop work order shall be given to the person in charge of the onsite activity and a hearing by the executive officer or his or her designee shall be provided to the permitholder within three business days. (3) After the hearing the commission may seek enforcement of, or the permitholder may seek relief from, the stop work order in the superior court in the county in which the activity is being conducted. The relief may include damages for failure to comply with the | |

## Table 3.5-6. California Public Resources Code Summary (Continued)

| Policy | Relationship to Project |
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| stop work order. The commission may deny an application for a permit when it finds that the applicant has failed to provide, for a period of 60 days, information specifically requested by the commission which is necessary to complete the application.<br>(i) When title to the objects, including a vessel, to be recovered is vested in the state, the commission shall provide for fair compensation to the permitholder in terms of a percentage of the reasonable cash value, or a fair share, of the objects recovered. The reasonable cash value of the objects shall be determined by appraisal by qualified experts selected by the commission. The commission shall determine the amount constituting fair compensation, taking into consideration the circumstances of each case. Title to all objects recovered is retained by the state until it is released by the commission.<br>(j) The commission may fix and collect reasonable fees and costs for the processing and issuance of permits under this section. The applicant may be required to post a bond to ensure the completion of the project or payment of costs, or to deposit funds with the commission sufficient to cover costs and expenses chargeable to the applicant by law or by an agreement for reimbursement. If a bond is posted, the bond shall be held by the commission and shall be sufficient to cover all potential costs associated with the project, including preserving, restoring, and protecting the site and its associated finds. | |
| 6321. The commission may, upon written application of the littoral owner, grant authority to any such owner to construct, alter or maintain, groins, jetties, sea walls, breakwaters, and bulkheads, or any one or more such structures, upon, across or over any of the swamp, overflowed, marsh, tide or submerged lands of this state bordering upon such littoral lands if, at the time of construction or alteration, such structures do not unreasonably interfere with the uses and purposes reserved to the people of the state. Except as provided in Section 18930 of the Health and Safety Code, the commission shall make reasonable rules with reference to such applications and the location, type, character, design, size, and manner under which such structures may be constructed, altered or maintained, and shall take suitable measures to enforce such rules and building standards published in the State Building Standards Code. It shall fix and collect reasonable fees, not exceeding the actual | The CSLC maintains the authority to grant the construction, authorization, or maintenance of a revetment or other coastal engineering structure on public trust lands, such as the Project revetment. AMMs would be implemented to reduce adverse environmental impacts and to ensure that permitted structures do not unreasonably interfere with the use and purposes of public trust lands reserved to the people of the state. |

**Table 3.5-6. California Public Resources Code Summary (Continued)**

| Policy | Relationship to Project |
|---|---|
| cost, for the filing and examination of each such application, and for the performance of such other duties as may be required under the provisions of this chapter. Notwithstanding anything in this article, no such fees for the filing and examination of applications shall be required of, nor collected from the United States or any agency thereof, or from the state, its agencies or political subdivisions. | |
| 6321.2. In addition to the fees provided in Section 6321, the commission may fix and collect reasonable charges or rentals for the use of lands upon which any of the structures authorized under Section 6321 are situated. | The CSLC may collect charges or rent for the proposed use of the lands upon which the revetment is located within the Project area. |
| 6323. If accretions are caused or occasioned by any such structure authorized hereunder, no fence, building or other structure of any kind, other than the structure so authorized and appliances for the protection of life and public recreation, shall be permitted or suffered to be erected or maintained either by the State or by any political subdivision or municipality, or by any one claiming under or through them, upon any such accretions belonging to others than the littoral owner, to the end that all such accretions shall at all times be and remain an unobstructed and open beach, except as provided in Article 3 of this chapter. | The Project does not propose a seawall or revetment for the designed purpose of accretion, and it is not anticipated that the revetment would result in sand accretion. Further, no building or other structure are proposed, nor would be permitted, to be constructed on sand imported under the Project. However, the construction of any type of fence on and/or obstructing the beach may be prohibited. |
| 6326. Nothing in this chapter abridges any right of the State to erect, maintain, or remove the protective structures herein mentioned, upon, across, or over any of the swamp, overflowed, marsh, tide or submerged lands of this State. | The CSLC maintains the authority to grant the construction, authorization, or maintenance of a revetment or other coastal engineering structure on public trust lands, such as the Project revetment. Further, the CSLC maintains the authority to remove or cause the removal of portions of the revetment of public trust lands and AREs that are covered or obstructed by the revetment. |
| 6357. The commission may establish the ordinary high-water mark or the ordinary low-water mark of any of the swamp, overflowed, marsh, tide, or submerged lands of this State, by agreement, arbitration, or action to quit title, whenever it is deemed expedient or necessary. The amendment hereby made is declaratory of the existing law and any such agreements heretofore made establishing the ordinary high-water mark or the ordinary low-water mark of any of the swamp, overflowed, marsh, tide, or submerged lands of this State hereby are ratified and confirmed. | The CSLC has the authority to establish the ordinary high-water mark and ordinary low-water mark on submerged lands within the Project area through a variety of means. |
| 6818. All applications made to the commission pursuant to this chapter for erection of any permanent structure on tidelands or submerged lands | Consultation with appropriate agencies and implementation of AMMs is required to avoid unreasonable Project interference with the use of |

**Table 3.5-6. California Public Resources Code Summary (Continued)**

| Policy | Relationship to Project |
|---|---|
| or for depositing thereon or removal therefrom of any material shall be submitted by the commission to the Director of Parks and Recreation to make an examination and report concerning possible interference with the recreational use of lands littoral to the tidelands or submerged lands involved in such application. All such applications shall also be submitted by the commission to the Attorney General for approval as to compliance with the applicable provisions of law and of the rules and regulations of the commission. Should it be found by the commission that the action proposed in any such application would unreasonably interfere with the maintenance or use of the lands involved for recreational purposes or protection of shore properties, such application shall not be granted unless modified in a manner which may avoid such interference. | public trust lands within the Project area. The CSLC would not permit the Project if the Project was deemed unable to avoid such interference. |

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## Table 3.5-7. California Coastal Act Policy Summary

| Policy | Relationship to Project |
|---|---|
| **Biological Resources** | |
| Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes | The Project could adversely impact sensitive marine biological resources within the Project area, including seagrass beds and rocky intertidal habitat through the potential for imported sand to smother or adversely affect marine habitats and associated fauna, or by changing the hydrology of a coastal estuary (Trancas Lagoon). Project construction could also affect marine water quality through mobilization of sediments during dredging and potential release of contaminated materials. |
| Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. | The Project could adversely impact the quality and productivity of coastal waters, and estuaries within the Project area, including seagrass beds and rocky intertidal habitat through the potential for imported sand to smother or adversely affect marine habitats and associated fauna, or by changing the hydrology of a coastal estuary (Trancas Lagoon). Project construction could also affect marine water quality through mobilization of sediments during dredging and potential release of contaminated materials. Measures to minimize adverse effects, such as entrainment and runoff control would be implemented. |
| Section 30233. Diking, filling or dredging; continued movement of sediment and nutrients<br>(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:<br>(l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.<br>(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.<br>(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the | Filling, dredging, and the movement of sediments are primary components of the Project. The Project would be for beach restoration purposes, consistent with Part (6) of this policy and AMM's would be implemented to reduce adverse environmental impacts, including the minimization of adverse impacts to marine and estuary water quality and habitats.<br>The placement of an estimated minimum of 950,000 cy of fill for beach nourishment over the life of the Project would result in affects to marine water quality, particularly during construction and nourishment activities, and potentially result in adverse effects to the functional quality of the Trancas Lagoon estuary. AMM's, such as consultation with CDFG and LACDPR regarding the need for breaching of the sand berm to Trancas Lagoon, are intended to reduce effects.<br>The Project with its mix of revetment retention combined with large scale beach and dune nourishment or the Beach |

## Table 3.5-7. California Coastal Act Policy Summary (Continued)

| Policy | Relationship to Project |
|---|---|
| placement of structural pilings for public recreational piers that provide public access and recreational opportunities.<br>(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.<br>(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.<br>(6) Restoration purposes.<br>(7) Nature study, aquaculture, or similar resource dependent activities.<br>(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.<br>(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.<br>For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where the improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.<br>(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other | Nourishment and Dune Restoration with Elimination of Revetment Alternative may be the least environmentally damaging alternatives over the short- to mid-term project horizon of a projected 10 to 20 years; however, both the Project and this alternative would result in disruption to marine habitats and ESHA.<br>Each of the less environmentally damaging alternatives has a different set of impacts. The Project would offer better protection to limited restored back dunes landward of the revetment as well as septic systems, potentially reducing impacts to marine water quality. The Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative could have more substantial water quality impacts due to septic system damage and offer less protection to back dune areas which could increase sedimentation. It should be noted that many homes are already located up against Broad Beach Road, and as such, managed retreat may require gradual surrender of seaward portions of these structures as has been done elsewhere (e.g., Isla Vista in Santa Barbara county), elevation of homes onto pilings, raised foundations, or other techniques. |

**Table 3.5-7. California Coastal Act Policy Summary (Continued)**

| Policy | Relationship to Project |
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| applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.<br>(Amended by: Ch. 673, Stats. 1978; Ch. 43, Stats. 1982; Ch. 1167, Stats. 1982; Ch. 454, Stats. 1983; Ch. 294, Stats. 2006.) | |
| Section 30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible. | The emergency coastal permit for the Project revetment was issued based upon a finding of imminent threat to homes and septic systems and this structure was found to be the least environmentally damaging approach at that time. The revetment is not anticipated to result in substantial adverse impacts to local shoreline sand supply due to the limited sand located behind and potentially supplied from areas behind the existing revetment. Nor is the revetment anticipated to or currently resulting in water stagnation or fishkills. Additionally, proposed beach nourishment activities would supplement local sand supply, benefiting local shoreline sand supply to the Project area and downcoast beaches. |
| Section 30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.<br>(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. | ESHAs within the Project area include existing dunes along Broad Beach, seagrass beds, rocky intertidal areas, the Trancas Lagoon, and offshore waters in the SMCA.<br>Primary issues of concern affecting these resources include construction related impacts, displacement and covering of dune habitats by the revetment and associated impacts to sensitive species (e.g., globose dune beetle); however, if properly designed, implemented and maintained as required through proposed AMMs in Section 3.4, restoration of the dunes would significantly enhance this habitat over the 10 to 20 year project horizon until long-term coastal processes begin to erode these dunes subsequent to cessation of nourishment. In addition, potential exists for sand to smother or adversely affect marine and estuarine habitats and associated fauna at Lechuza Point, and/or by changing the hydrology of a coastal estuary (Trancas Lagoon). Withdrawal of sand from Off-site Project area littoral cells may incrementally affect beach sand supply and width, dune stability and the hydrology of downcoast estuaries (e.g., Santa Clara River, Ormond Beach wetlands). Project construction |

## Table 3.5-7. California Coastal Act Policy Summary (Continued)

| Policy | Relationship to Project |
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| | could also affect marine water quality in both the Project area and Off-site Project area through mobilization of sediments during dredging and potential release of contaminated materials, which is of particular concern in the SMCA. |
| **Scenic and Visual Resources** | |
| Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. | The Project revetment substantially altered and degraded the scenic and visual qualities of the Project area, in addition to altering the land form of the beach; the approximately 15-foot-high revetment is not subordinate to the scenic character of the existing low tide beach.,. Proposed covering of the revetment with dune habitat would alter the visual effect of these changes on the scenic qualities of the area to one of a more natural environment until such time as the beach nourishment ceases, the dunes begin to erode and the revetment becomes exposed (e.g., estimated 10 to 20+ years, as early as 5 years). Although the Project could incrementally decrease beach width in Off-site Project areas through withdrawal of sand from those littoral cells, such changes would be gradual and would have generally unnoticeable effects on visual and scenic qualities. Project construction, renourishment and backpassing disrupt visual resources over short periods of 2 weeks to 6 months at Broad Beach and Dockweiler Beach and/ or the Ventura Harbor sand trap. Withdrawal of sand from these littoral cells or decreasing the amount of sand available for future beach nourishment may incrementally contribute to the potential for narrowing of beaches in the Off-site Project areas at and downcoast of Ventura Harbor (e.g., McGrath State Beach; Oxnard Shores) and Dockweiler Beach (e.g., El Porto, Manhattan, and Hermosa Beaches). |
| **Shoreline Access** | |
| Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. | The Project includes long term authorization of the emergency revetment, burying this revetment in a new sand dune system, restoration of a wide sandy beach and imposition of a 25 foot wide privacy buffer for residents seaward of this new dune system. Portions of the existing, but presently not authorized by the CSLC, emergency revetment encroaches on to public trust land and easements that were acquired to permit public lateral access along Broad Beach, and thus |

**Table 3.5-7. California Coastal Act Policy Summary (Continued)**

| Policy | Relationship to Project |
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| | currently substantially interferes with the public's right of access to and recreate on these lands. The Project also proposes suspension of existing easements for the life of the Project as well as placement of dunes and a 25 foot privacy buffer overlying public trust lands. The Project would initially replace approximately 27 acres of public trust lands available to the public at low and moderate tides, with 44 acres of beach and dunes, approximately 67% (29.5 acres) that would be available for public use and enjoyment, 25% (11 acres) that would be set aside for dune habitat creation (and private access walkways) and 8% (3.5 acres) that would be occupied by the privacy buffer. Although the vast majority of this project is located on public trust lands and would result in temporary loss of access to existing publically held easements, substantial short- to mid-term coastal access and recreation benefits in the form of a wide dry sandy beach are expected to accrue to the public (as well as local residents) over the approximately 10 to 20 year life of the project. These benefits would extend to Zuma Beach and other downcoast Malibu Beaches as newly deposited sand from Broad Beach erodes and incrementally replenishes those beaches. However, after both the initial and second (currently last) proposed nourishment event, these benefits would immediately begin to diminish as coastal processes cause the beach to retreat, with potentially 50 percent or more of the initial wide sandy beach lost in the first 3-5 years. Nonetheless, the project would still benefit public coastal access at Broad Beach. However, given the potential rapidity of erosion and past access conflicts at Broad Beach, a residential privacy buffer located on public trust land will inhibit public access and give rise to the type of confrontations that plagued Broad Beach in the past; it should also be noted that an approximately 55 to 102 foot-wide sand dune system that would be off limits to public access as ESHA would already ensure residential privacy.<br>Public beach access could also be intermittently impacted during major nourishment events and annual backpassing construction activities as portions of the beach would potentially be closed to the public for safety reasons; however, these events would be short term and would not substantially interfere with public access.<br>Withdrawal of sand from the Ventura or Dockweiler Off-site Project areas and those littoral cells or decreasing the amount of sand |

**Table 3.5-7. California Coastal Act Policy Summary (Continued)**

| Policy | Relationship to Project |
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| | available for future beach nourishment may incrementally contribute to the potential for narrowing of beaches in the Off-site Project areas at and downcoast of Ventura Harbor (e.g., McGrath State Beach; Oxnard Shores) and Dockweiler Beach (e.g., El Porto, Manhattan and Hermosa Beaches). However, such withdrawals would not constitute a substantial amount of these areas' total sediment budget and would not lead to material decrease in beach width or sand availability for nourishment. |
| **Recreation** | |
| Section 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area. | The majority of oceanfront land in the Project area is developed for single family residential uses. However, at least 5 undeveloped parcels exists that would be suitable for public access easements or public recreation facilities. Public access within the Project area is considered inadequate under the Malibu LCP. |

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## Table 3.5-8. Malibu LCP Policy Summary

| Policy | Relationship to Project |
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| **Chapter 2: Public Access and Recreation** | |
| 2.1: The shoreline, parklands, beaches and trails located within the city provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational opportunities shall be protected, and where feasible, expanded or enhanced as a resource of regional, state and national importance. | The movement of the shoreline landward resulted in the decline of public beach area for recreation and constraints on public access, which were exacerbated by the construction of the emergency revetment. The Project proposed to enhance the existing degraded recreational conditions occurring on Broad Beach by covering the revetment and expanding the beach area. The Project would result in expanded and enhanced beach areas available for public recreation for the estimated 10 to 20 year life of the project; however, long-term benefits would be eliminated without continued major renourishment and public access on public trust lands and easements along the shoreline would be again severely impeded by the emergency revetment. |
| 2.2: New development shall minimize impacts to public access to and along the shoreline and inland trails. The city shall assure that the recreational needs resulting from proposed development will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and/or development plans with the provision of onsite recreational facilities to serve new development. | The existing revetment along Broad Beach currently interferes with the public access along the shoreline. The revetment is located on public trust lands and AREs, prohibiting their intended use for public access. Additionally, the revetment blocks lateral access from the east during medium and high tides. However, the proposed beach and dune restoration project would substantially increase dry sand beach area available for public lateral access and recreation for the length of project restoration activities (estimated at 10 to 20 years), which would enhance the availability of lateral access, increasing potential for recreational use of Broad Beach. Increased use in not anticipated to overload the capacity of the beach or parking areas for recreation. However, upon cessation of renourishment, these benefits would be lost as coastal erosion eventually exposes the revetment, again impeding public access to public trust lands and AREs. Effects on recreational uses of Zuma and other downcoast Malibu Beaches are anticipated to be beneficial as eroding sand from Broad Beach would incrementally nourish these beaches. |

## Table 3.5-8. Malibu LCP Policy Summary (Continued)

| Policy | Relationship to Project |
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| 2.3: Public prescriptive rights may exist in certain areas along the shoreline and trails within the city. Development shall not interfere with the public's right of access to the sea where acquired through historic use or legislative authorization. These rights shall be protected through public acquisition measures or through permit conditions for new development, which incorporate measures to provide or protect access when there is substantial evidence that prescriptive rights exist. | The existence of prescriptive rights to or along Broad Beach has not been determined. Please refer to the discussion under Policies 2.1 and 2.2 for a discussion of access issues. |
| 2.5: New development shall be designed to minimize impacts to public access and recreation along the shoreline and trails. If there is not feasible alternative that can eliminate or avoid all access impacts, then the alternative that would result in the least significant adverse impacts shall be required. Impacts may be mitigated through the dedication of an access or trail easement where the project site encompasses and LCP mapped access or trail alignment, where the city, county, State, or other public agency has identified a trail used by the public, or where there is substantial evidence that prescriptive rights exist. Mitigation measures required for impacts to public access and recreational opportunities shall be implemented prior to or concurrent with construction of the approved development. | The existing revetment currently interferes with public access along the shoreline. Portions of the existing, but presently not authorized by the CSLC, emergency revetment is located on public trust land and AREs, prohibiting their intended use for public access. Additionally, the revetment blocks lateral access to Broad Beach from Zuma Beach to the east during medium and high tides.<br>The Project would increase beach area for the short- to mid-term, which would enhance the availability of lateral access over a projected 10 to 20 year period. However, upon cessation of renourishment, these benefits would be gradually eliminated by coastal erosion, with the newly re-exposed revetment precluding public access to public trust lands and easements. Continued beach nourishment or removal or landward relocation of the revetment could address this issue. |
| 2.7: Public accessways and trails to the shoreline and public parklands shall be a permitted use in all land use and zoning designations. Where there is an existing, but unaccepted and/or unopened public access OTDs, easement, or deed restriction for lateral, vertical or trail access or related support facilities (e.g., parking), construction of necessary access improvements shall be permitted to be constructed, opened and operated for its intended public use. | The existing revetment is located on 33 AREs, prohibiting their intended use for public access. Of those, 21 are held by the CSLC. The project would authorize the revetment in its current location, which would preclude public access to AREs intended for public use. The Project proposes to suspend the AREs and all currently existing lateral access easements for the life of the project. |
| 2.11: Public land, including rights of way, easements, dedications, shall be utilized for public recreation or access purposes, where appropriate and consistent with public safety and protection of environmentally sensitive habitat areas. | The emergency revetment currently blocks access to public trust lands, easements and dedications, prohibiting their use for recreation. Although provision of a wide sandy beach for the duration of the Project (estimated at 10 to 20 years) would offset this loss of recreational access over the short- to mid-term, coastal erosion would eventually eliminate this benefit and expose the revetment, again blocking public access to public trust land, easements and dedications. |

## Table 3.5-8. Malibu LCP Policy Summary (Continued)

| Policy | Relationship to Project |
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| 2.17: Recreation and access opportunities at existing public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource. Public beaches and parks shall maintain lower-cost user fees and parking fees, and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in use fees or parking fees, which effect the intensity of use, shall be subject to a coastal development permit. | The existing revetment currently interferes with the public access along the shoreline. The revetment partially overlays public trust land and AREs, prohibiting their intended use for public access. Additionally, the revetment blocks lateral access from the east during medium and high tides.<br>The Project would substantially increase dry sand beach area over the short- to mid-term, which would enhance the availability of public recreational opportunities and lateral access at Broad Beach over a projected 10 to 20 year period. However, upon cessation of renourishment, these benefits would be gradually eliminated by coastal erosion, with the newly re-exposed revetment precluding public access to public trust lands and easements. Mitigation to address this issue could include continued beach nourishment or removal or landward relocation of the revetment. |
| 2.19: Temporary events shall minimize impacts to public access, recreation and coastal resources. A coastal development permit shall be required for temporary events that meet all of the following criteria: 1) held between Memorial Day and Labor Day; 2) occupy any portion of a public sandy beach area; and 3) involve a charge for general public admission where no fee is currently charged for use of the same area. A coastal development permit shall also be required for temporary events that do not meet all of these criteria, but have the potential to result in significant adverse impacts to public access and/or coastal resources. | The Project would minimize disturbance to public access, recreation and coastal resources during Project construction and maintenance through BMPs. A coastal development permit would be required prior to construction. |
| 2.26: Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided. | The Project does not propose any expansion of parking and would potentially result in increased demand for parking due to enhanced recreational opportunities at Broad Beach. Ample roadside parking appears to be available in close proximity to Broad Beach coastal access points. |
| 2.27: The implementation of restrictions on public parking, which would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of “no parking” signs, red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an | The Project would temporarily utilize the western end of the Zuma Beach parking lot as a staging area during the initial construction phase and nourishment events. This would result in temporary restrictions of public parking. No long-term impacts to public parking would occur. |

## Table 3.5-8. Malibu LCP Policy Summary (Continued)

| Policy | Relationship to Project |
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| equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation. | |
| 2.64: An Offer to Dedicate (OTD) an easement for lateral public access shall be required for all new ocean-fronting development causing or contributing to adverse public access impacts. Such easements shall extend from the mean high tide line landward to a point fixed at the most seaward extent of development (i.e., intersection of sand with toe of revetment, vertical face of seawall, dripline of deck, or toe of bluff). | The existing revetment currently interferes with public access along the shoreline. Portions of the existing, but presently not authorized by the CSLC, emergency revetment is located on public trust land and AREs, prohibiting their intended use for public access. Additionally, the revetment blocks lateral access from the east during medium and high tides.<br>However, the Project includes major beach renourishment that would increase dry sandy beach area over the short- to mid-term, which would enhance the availability of lateral access along Broad Beach over a projected 10 to 20 year period. However, upon cessation of renourishment, these benefits would be gradually eliminated by coastal erosion, with the newly re-exposed revetment precluding public access to public trust lands and easements. Mitigation to address this issue could include continued beach nourishment, removal or landward relocation of the revetment, or potentially offers to dedicate additional public lateral access easements. |
| 2.65: On beachfront property containing dune ESHA the required easement for lateral public access shall be located along the entire width of the property from the ambulatory mean high tide line landward to the ambulatory seaward-most limit of dune vegetation. If at some time in the future, there is no dune vegetation seaward of the approved deck/patio line, such easement shall be located from the ambulatory mean high tide line landward to the seaward extent of development. | The Project would restore dune ESHA within the Project area. Upon implementation of the Project, a public lateral access easement is proposed be located along the entire width of the Beach from the future MHTL to a 25-foot-wide privacy buffer located seaward of the limit of newly created dunes and dune vegetation. This buffer is proposed for removal if coastal erosion eliminates the public beach. The status of the dunes for use for public access has not been clarified in the applicant's project description, although as newly created ESHA with sensitive vegetation, high levels of access could impact this habitat. Access-related impacts to this newly created ESHA are addressed in Section 3-4, Terrestrial Biological Resources, along with several Avoidance and Minimization Measures that address a range of dune management protection measures. |
| 2.86: The following standards shall apply in carrying out the access policies of the LCP relative to requiring and locating vertical accessways to the shoreline. These standards shall not be used as limitations on any access requirements pursuant to the above policies: | Broad Beach currently supports two vertical public accessways, with addition vertical access available at Lechuza Point to the west and Zuma Beach to the east. However, to meet the intent of this policy, approximately five additional accessways would need to be |

## Table 3.5-8. Malibu LCP Policy Summary (Continued)

| Policy | Relationship to Project |
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| d. Trancas / Broad Beach: Public acquisition of and/or requirements for vertical access every 1,000 feet of shoreline. | implemented in order to be consistent with this policy. The Project would enhance lateral access over the short- to mid-term; however, no additional vertical accessways are proposed. The Project area would remain non-conforming with LCP vertical access policy. |
| **Chapter 3: Marine and Land Resources** | |
| 3.3: All Areas of Special Biological Significance and Marine Protected Areas (as designated by the California Department of Fish and Game), shall be considered ESHA and shall be accorded all protection provided for ESHA in the LCP. | The waters out to three miles offshore Broad Beach are included within the Point Dume SMCA. The Project would potentially impact this area through dredging of 150,000 cubic yards of sand for dune nourishment projects, as well as the operation of marine vessels offshore and heavy equipment onshore during nourishment episodes, with attendant potential for spills and pollution. However, CDFG regulations for the SMCA specifically permit dredging for beach nourishment in this MPA and mitigation measures and Best Management Practices are identified to reduce or avoid impacts to the SMCA, consistent with protections provided for ESHA in the LCP. |
| 3.6: Any area mapped as ESHA shall not be deprived of protection as ESHA, as required by the policies and provisions of the LCP, on the basis that habitat has been illegally removed, degraded, or species that are rare or especially valuable because of their nature or role in an ecosystem have been eliminated. | Dune ESHA along Broad Beach was adversely affected by installation of both geotextile bags and the rock revetment under emergency permits and these structures continue to cover existing and potential habitat. The majority of these actions were permitted and do not constitute illegal removal activities; however, the implementation of some unpermitted geotextile bags may have occurred. While these past improvements substantially degraded the remnant dunes habitat that existed within the Project area, the Project would not deprive ESHA protections and with properly designed, implemented, and maintained habitat restoration, would expand the quality of and extent of dune ESHA within the Project area over the short- to mid-term (estimated 10 to 20 + years). |
| 3.9: Public accessways and trails are considered resource dependent uses. Accessways and trails located within or adjacent to ESHA shall be sited to minimize impacts to ESHA to the maximum extent feasible. Measures, including but not limited to, signage, placement of boardwalks, and limited fencing shall be implemented as necessary to protect ESHA. | Two existing public accessways would cross new Dune ESHA created by the Project along with 114 private accessways. The Project would include ropes and bollards or fencing along the edge of a seaward privacy buffer and these public and private accessways as well as signs to limit disturbance of ESHA. However, installation of 114 private and two public accessways across this newly created dune ESHA would severely fragment this habitat, lead to long-term management problems, and potentially eliminate many of the benefits of dune |

## Table 3.5-8. Malibu LCP Policy Summary (Continued)

| Policy | Relationship to Project |
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| | restoration. An improved access management plan as set forth in avoidance and minimization TBIO-1a in Section 3.4 could address this issue. |
| 3.12 No development shall be allowed in wetlands unless it is authorized under Policy 3.89. For all ESHA other than wetlands, the allowable development area (including the building pad and all graded slopes, if any, as well any permitted structures) on parcels where all feasible building sites are ESHA or ESHA buffer shall be 10,000 square feet or 25 percent of the parcel size, whichever is less. If it is demonstrated that it is not feasible from an engineering standpoint to include all graded slopes within the approved development area, then graded slope areas may be excluded from the approved development area. For parcels over 40 acres in size, the maximum development area may be increased by 500 sq. ft. for each additional acre in parcel size to a maximum of 43,560-sq. ft. (1-acre) in size. The development must be sited to avoid destruction of riparian habitat to the maximum extent feasible. These development areas shall be reduced, or no development shall be allowed, if necessary to avoid a nuisance, as defined in California Civil Code Section 3479. Mitigation of adverse impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be required. | The Project does not include development in wetlands; BMPs and mitigation measures would avoid impacts to Trancas Creek lagoon. However, Project-related development includes permanent authorization of the 4,100 foot-long rock revetment and deposition of hundreds of thousands of cubic yards of sand into the intertidal areas. Displacement and covering of dune habitats by the revetment created impacts to ESHA and sensitive species (e.g., globose dune beetle); however, if properly designed, implemented and maintained as required through proposed avoidance and minimization measures in Section 3.4, restoration of the dunes would significantly enhance this habitat over the 10 to 20 year project horizon until long-term coastal processes begin to erode these dunes subsequent to cessation of nourishment. In addition, potential exists for imported sand to smother or adversely affect rocky intertidal habitat, seagrass beds and associated marine flora and fauna at Lechuza Point. |
| 3.14: New development shall be sited and designed to avoid impacts to ESHA. If there is no feasible alternative that can eliminate all impacts, then the alternative that would result in the fewest or least significant impacts shall be selected. Impacts to ESHA that cannot be avoided through the implementation of siting and design alternatives shall be fully mitigated, with priority given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site or where Off-site mitigation is more protective in the context of a Natural Community Conservation Plan that is certified by the Commission as an amendment to the LCP. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA. | Installation of emergency geotextile walls and the rock revetment along Broad Beach have created substantial adverse effects to ESHA through displacement and covering of dune habitats by the revetment and associated impacts to sensitive species (e.g., globose dune beetle). The Project includes conceptual dune restoration proposals which may lead to restoration of this habitat, although proposals for 114 private accessways across these dunes could fragment and ultimately severely damage restoration potential. However, if properly designed, implemented and maintained as required through proposed avoidance and minimization measures in Section 3.4, restoration of the dunes would significantly enhance this habitat over the 10 to 20 year project horizon until long-term coastal processes begin to erode these dunes subsequent to cessation of nourishment. Alternative approaches to coastal protection, including landward relocation of the revetment or installation of a seawall, may increase impacts to this |

**Table 3.5-8. Malibu LCP Policy Summary (Continued)**

| Policy | Relationship to Project |
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| | ESHA due to heavy construction activities that would occur within this ESHA as part of any such project. Although such proposals could also include dune restoration, initial impacts would appear to be substantially more severe than those associated with the Project.<br>The Project could also impact ESHAs such as the SMCA offshore and the Trancas Creek Lagoon through construction activities, and both this Lagoon and the Zuma Beach wetlands through changes in hydrology due to increased downcoast transport of sand potentially limiting tidal interchange with these estuaries. The inclusion of BMPs and mitigation measures would reduce potential effects to offshore ESHA and construction related effects to Trancas Lagoon. The substantial increase in downcoast transport of sediment may incrementally increase the duration of closure of the mouths of both of these estuaries to tidal action. This would not substantially affect these wetlands as these are largely fresh or brackish water habitats adapted to prolonged closures; however, decreased tidal interaction may limit the potential for reintroduction of steelhead trout to these watersheds. |
| 3.16: Dune ESHA shall be protected and, where feasible, enhanced. Vehicle traffic through dunes shall be prohibited. Where pedestrian access through dunes is permitted, well-defined footpaths or other means of directing use and minimizing adverse impacts shall be used. Nesting and roosting areas for sensitive birds such as Western snowy plovers and Least terns shall be protected by means, which may include, but are not limited to, fencing, signing, or seasonal access restrictions. | Two existing public accessways would cross new Dune ESHA created by the Project along with 114 private accessways. The Project would include ropes and bollards or fencing along the edge of a seaward privacy buffer and these public and private accessways as well as signs to limit disturbance of ESHA. However, installation of 114 private and two public accessways across this newly created dune ESHA would severely fragment this habitat, lead to long-term management problems, and potentially eliminate many of the benefits of dune restoration. An improved access management plan as set forth in avoidance and minimization measure TBIO-6b in Section 3.4 could address this issue.<br>Any future nesting or roosting areas that occur with such newly protected dunes would be identified through monitoring and measures such as additional fencing and signs implemented as necessary. |
| 3.36: New development shall include an inventory conducted by a qualified biologist of the plant and animal species present on the project site. If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, a detailed biological study shall be required. | The Project applicant has submitted limited focused rare plant and dune habitats surveys; wildlife monitoring surveys were also performed during revetment construction. Recommended avoidance and minimization measure TBIO-2a requires additional wildlife and plant surveys. |

## Table 3.5-8. Malibu LCP Policy Summary (Continued)

| Policy | Relationship to Project |
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| 3.37: New development within or adjacent to ESHA shall include a detailed biological study of the site. | The Project applicant has submitted limited focused rare plant and dune habitats surveys; wildlife monitoring surveys were also performed during revetment construction. Recommended avoidance and minimization measure TBIO-2a requires additional wildlife and plant surveys. |
| 3.46: Grading or earthmoving exceeding 50 cubic yards shall require a grading permit. Grading plans shall meet the requirements of the local implementation plan with respect to maximum quantities, maximum cuts and fills, remedial grading, grading for safety purposes, and maximum heights of cut or fill. Grading proposed in or adjacent to an ESHA shall be minimized to the maximum extent feasible. | The Project includes the importation of approximately 600,000 cubic yards of sand, with one additional major renourishment of 450,000 cubic yards at a future date. This would require a grading permit. BMPs would be implemented to minimize potential effects on ESHA. |
| 3.47: Earthmoving during the rainy season (extending from November 1 to March 1) shall be prohibited for development that is 1) located within or adjacent to ESHA, or 2) that includes grading on slopes greater than 4:1. In such cases, approved grading shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 1, unless the city determines that completion of grading would be more protective of resources. | The currently Project construction schedule is for January 2013 through June 2013. There are several ESHAs within the Project area, including the existing dune areas of Broad Beach, seagrass beds, rocky intertidal areas, the Trancas Lagoon, and offshore waters (SMCA). While the schedule may conflict with this policy, the intent of this policy appears to be to minimize grading related erosion and associated sedimentation into coastal streams and estuaries; the policy may not be applicable to the Project. |
| 3.75: Marine ESHAs shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Residential, commercial, or institutional uses shall not be considered resource dependent uses. | The Project would result in disruption of marine habitats that are considered ESHAs, including areas of the SMCA that would be subject to dredging; however, CDFG regulations specifically permit dredging for beach nourishment in the SMCA and benthic organisms are anticipated to recover quickly within the dredge area. Potential impacts to marine habitat would be minimized through water quality BMPs and mitigation measures. Areas of rocky intertidal habitat and seagrass beds would also be covered by the new wider sandy beach, replacing one type of habitat with another, at least over the short- to mid-term. Although the west end of the beach restoration project has been pulled back from rocky intertidal areas, approximately 1 acre of this habitat would be buried by newly deposited sand, at least for the first 1 to 2 years following nourishment. Rocky intertidal habitats and associated plant and wildlife species are adapted to periodic over-covering by |

**Table 3.5-8. Malibu LCP Policy Summary (Continued)**

| Policy | Relationship to Project |
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| | sand and there is evidence that these nearshore Lechuza Point habitats are frequently submerged under sand. While the placement of sand would benefit beach dependent organisms (e.g., intertidal invertebrates, western snowy plover), it would increase the extent and duration of burial of ESHAs such as rocky intertidal habitat and surfgrass, possibly leading to some loss of this habitat type over the 10 to 20 year project horizon. Thus, the propose project would be substituting sandy beach habitat and enhancing public access (consistent with Policy 3.9), in exchange for covering approximately 1 acre of rocky intertidal areas over the short- to mid-term. |
| 3.76: Permitted land uses or developments shall have no significant adverse impacts on marine and beach ESHA. | Refer to discussion under Policy 3.75 above. The Project would substantially expand available beach habitat over the 10 to 20 year project horizon. |
| 3.82: Near shore shallow fish habitats and shore fishing areas shall be preserved, and where appropriate and feasible, enhanced. | The Project would result in disruption of marine habitats, particularly rocky intertidal and surfgrass beds, which are considered important fish habitats. The Project would substitute sandy beach habitat suitable for bottom dwelling species such as halibut in exchange for covering approximately 1 acre of intermittently covered rocky intertidal areas over the short- to mid-term; such habitats support a wider variety and density of fish species than sand bottom areas. Shore fishing is no longer allowed within the SMCA. |
| **Chapter 4: Hazards and Shoreline/Bluff Development** | |
| 4.22: Siting and design of new shoreline development and shoreline protective devices shall take into account anticipated future changes in sea level. In particular, an acceleration of the historic rate of sea level rise shall be considered. Development shall be set back a sufficient distance landward and elevated to a sufficient foundation height to eliminate or minimize to the maximum extent feasible hazards associated with anticipated sea level rise over the expected 100 year economic life of the structure. | The Project includes two major nourishment events with the new wider sandy beach expected to endure for approximately 10 to 20 years. After 20 years, CSLC would consider whether to issue a new lease. Although climate change is anticipated to incrementally contribute to sea-level over the next 20 years, most models predict modest increases in sea levels through 2050 with potentially more dramatic rises after that point. The Project appears designed to account for sea level rise within this 20 year time frame. If subsequent leases are considered, a more detailed review of beach, dune and revetment stability in the face of post-2033 sea level rise would need to occur at that time. |
| 4.26: Development on or near sandy beach or bluffs, including the construction of a shoreline protection device, shall include measures to | Project construction would require temporary stockpiling of sand, as well as dredging pipeline and other materials. The pipeline staging |

**Table 3.5-8. Malibu LCP Policy Summary (Continued)**

| Policy | Relationship to Project |
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| insure that:<br>a. No stockpiling of dirt or construction materials shall occur on the beach;<br>b. All grading shall be properly covered and sandbags and/or ditches shall be used to prevent runoff and siltation;<br>c. Measures to control erosion shall be implemented at the end of each day's work;<br>d. No machinery shall be allowed in the intertidal zone at any time to the extent feasible;<br>e. All construction debris shall be removed from the beach. (Resolution No. 07-04) | area is proposed to be located at the western end of Zuma Beach, near the Trancas Lagoon. BMPs would be implemented throughout the construction phase of the Project, as well as implement on a site-specific construction mitigation plan; however, stockpiling of construction materials would occur. While stockpiling sand may conflict with this policy, the intent of this policy appears to be to minimize grading related erosion, accumulation debris on the beach and potential sedimentation into coastal streams and estuaries; the policy may not be applicable to the Project. |
| 4.32: On any beach found to be appropriate, alternative "soft solutions" to the placement of shoreline protection structures shall be required for new development or to protect existing development such as dune restoration, sand nourishment, and design criteria emphasizing maximum landward setbacks and raised foundations. | The Project includes implementation of 'soft solutions' for beach and dune restoration through sediment importation and nourishment as well as the "hard solution" of authorization of the existing revetment for the life of the project, estimated at 10 to 20 years. The current revetment location was approved as part of an emergency action deemed necessary to protect existing primary residence and septic systems from damage by winter storms. Maximum landward relocation of the revetment or its replacement with a seawall is physically feasible, particularly in the central and eastern segments of Broad Beach. However, such relocation would have secondary substantial impacts to degraded sand dune ESHA. Validation of the revetment in its current location for approximately 10 to 20 years accompanied by substantial beach nourishment may meet the intent of this policy as creation of a new dune complex and wider sandy beach would benefit ESHA and public access and recreation over the short to mid-term. However, after cessation of beach nourishment, coastal processes are projected to begin eroding beach and dune areas such that the revetment would be exposed and these benefits would be eliminated or substantially reduced within approximately 20 years. At that time, without further nourishment, retention of the revetment in its current location would conflict with this policy. |
| 4.37: Shoreline and bluff protection structures shall not be permitted to protect new development, except when necessary to protect a new septic system and there is no feasible alternative that would allow | The 4,100 foot-long emergency revetment protects existing homes and septic systems. No vacant parcels existing along this reach could accommodate new development, although redevelopment and |

**Table 3.5-8. Malibu LCP Policy Summary (Continued)**

| Policy | Relationship to Project |
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| residential development on the parcel. Septic systems shall be located as far landward as feasible. Shoreline and bluff protection structures may be permitted to protect existing structures that were legally constructed prior to the effective date of the California Coastal Act, or that were permitted prior to certification of the LCP provided that the CDP did not contain a waiver of the right to a future shoreline or bluff protection structure and only when it can be demonstrated that said existing structures are at risk from identified hazards, that the proposed protective device is the least environmentally damaging alternative and is designed to eliminate or mitigate adverse impacts to local shoreline sand supply. Alternatives analysis shall include the relocation of existing development landward as well as the removal of portions of existing development. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping, etc. | expansion of older smaller existing homes could be facilitated by the revetment. Existing septic systems and leach fields are generally located seaward of these existing homes, with limited room for landward relocation. Most homes on Broad Beach were constructed prior to certification of the LCP in 2002, although remodels and sometimes substantial expansions are ongoing. A number of these homes may have waived the right to future coastal protective structure construction as part of the permit process (e.g., 30974, 30978, and 30980 Broad Beach Road), although the emergency permit was issued based upon a finding of imminent threat to homes and septic systems and this structure was found to be the least environmentally damaging approach at that time. Alternatives analysis demonstrates that landward relocation of the revetment or installation of a seawall landward of the revetment is physically feasible, particularly toward the central and east ends of Broad Beach where such as structure could be moved 50-75 feet landward, closer to existing homes. However, such relocation would have substantially more severe impacts to degraded dune habitats and may conflict with ESHA policies. The "soft solution" Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative could offer adequate protection to all or most structures along Broad Beach over the short- to mid-term (e.g., 10+ years). However, removal of the existing revetment would create short term construction impacts and its removal would leave both rear dune areas and a number of structures, particularly toward the west end of the beach, potentially vulnerable to storm damage. Septic systems would also be more vulnerable to damage under this scenario. However, the public would have access to existing AREs as well as public trust lands as the MHTL advances inland. Given this analysis, either the Project with its mix of revetment retention with large scale beach and dune nourishment or the Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative may be the least environmentally damaging alternatives over the short- to mid-term project horizon of a projected 10 to 20 years. Each alternative has a different set of impacts. The Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative could have more substantial water quality impacts due to septic system damage and offer less protection to back dune areas, but would decrease long-term |

**Table 3.5-8. Malibu LCP Policy Summary (Continued)**

| Policy | Relationship to Project |
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| | recreation and access impacts. The Project would have greater impacts to public access, but offer better protection to limited restored back dunes landward of the revetment as well as septic systems and structures. However, upon cessation of nourishment, beneficial impacts to sand supply of each these alternatives would fade, leading to loss of public access, and damage to new dune habitats. For the Project, the revetment would become exposed, leading to either a requirement for continued nourishment or removal of the revetment. After cessation of nourishment, both of these alternatives could require consideration of managed retreat of septic systems and eventually homes. It should be noted that many homes are already located up against Broad Beach Road, and as such, managed retreat may require gradual surrender of seaward portions of these structures as has been done elsewhere (e.g., Isla Vista in Santa Barbara county), elevation of homes onto pilings or raised foundations, or other techniques. |
| 4.39: All shoreline protection structures shall be sited as far landward as feasible regardless of the location of protective devices on adjacent lots. In no circumstance shall a shoreline protection structure be permitted to be located further seaward than a stringline drawn between the nearest adjacent corners of protection structures on adjacent lots. A stringline shall be utilized only when such development is found to be infill and when it is demonstrated that locating the shoreline protection structure further landward is not feasible. | The existing revetment currently is located on both public (areas seaward of the OHWM, and within AREs) and private lands. The Project would authorize the revetment in its current location, which would preclude public access on public lands and in AREs intended for public use. Private land does not contain structures immediately on the landward side of the revetment at most locations where the revetment occurs on public lands.<br>The 4,100 foot-long emergency revetment protects existing homes and septic systems. Many existing septic systems and leach fields are located seaward of these existing homes, with limited room for landward relocation. A number of these homes may have waived the right to future coastal protective structure construction as part of the permit process (e.g., 30974, 30978, and 30980 Broad Beach Road), although the emergency permit was issued based upon a finding of imminent threat to homes and septic systems.<br>Alternatives analysis demonstrates that landward relocation of the revetment or installation of a seawall landward of the revetment is physically feasible, particularly toward the central and east ends of Broad Beach where such a structure could be moved 50-75 feet landward, closer to existing homes. However, such relocation would |

**Table 3.5-8. Malibu LCP Policy Summary (Continued)**

| Policy | Relationship to Project |
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| | require the movement or removal of some septic systems, and would potentially have substantially more severe impacts to degraded dune habitats and may conflict with ESHA policies.<br>It should be noted that many homes are already located up against Broad Beach Road, and as such, managed retreat may require gradual surrender of seaward portions of these structures as has been done elsewhere (e.g., Isla Vista in Santa Barbara county), elevation of homes onto pilings or raised foundations, or other techniques. |
| 4.40: Where it is determined to be necessary to provide shoreline protection for an existing residential structure built at sand level a "vertical" seawall shall be the preferred means of protection. Rock revetments may be permitted to protect existing structures where they can be constructed entirely underneath raised foundations or where they are determined to be the preferred alternative. | The rock revetment was permitted by the CCC and city of Malibu on a temporary basis under an emergency permit. The revetment was accepted as the minimum action necessary, and the least environmentally damaging alternative at that time. The Project proposes to leave the revetment mostly in its existing location, with limited relocation off of public lands.<br>Alternatives analysis demonstrates that landward relocation of the revetment or installation of a seawall landward of the revetment is physically feasible, particularly toward the central and east ends of Broad Beach where such as structure could be moved 50-75 feet landward, closer to existing homes. However, such relocation would entail substantial disruption of existing private improvements associated with relocation of septic systems or leach fields, patios, landscaping and other improvements. This would be combined with landward relocation of as many as 18 septic systems and their leach fields, potential installation of drywells or individual advanced onsite wastewater treatment systems for those locations which cannot relocate their septic systems, or the installation of a common wastewater treatment facility. Limited room exists for landward relocation of septic systems on the western portion of the project area in front of several residences.<br>However, removal or landward movement of the existing revetment and/or installation of a seawall would potentially decrease long-term recreation and access impacts. |
| 4.43: As a condition of approval of a shoreline protection structure, or repairs or additions to a shoreline protection structure, the property owner shall be required to acknowledge, by the recordation of a deed restriction, that no future repair or maintenance, enhancement, | Most homes on Broad Beach were constructed prior to certification of the LCP in 2002, although remodels and sometimes substantial expansions are ongoing. A number of these homes may have waived the right to future coastal protective structure construction as part of |

## Table 3.5-8. Malibu LCP Policy Summary (Continued)

| Policy | Relationship to Project |
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| reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he/she expressly waives any right to such activities that may exist under California Coastal Act Section 30235. The restrictions shall also acknowledge that the intended purpose of the subject structure is solely to protect existing structures located on the site, in their present condition and location, including the septic disposal system and that any future development on the subject site landward of the subject shoreline protection structure including changes to the foundation, major remodels, relocation or upgrade of the septic disposal system, or demolition and construction of a new structure shall be subject to a requirement that a new coastal development permit be obtained for the shoreline protection structure unless the city determines that such activities are minor in nature or otherwise do not affect the need for a shoreline protection structure. | the permit process (e.g., 30974, 30978, and 30980 Broad Beach Road), although the emergency permit was issued based upon a finding of imminent threat to homes and septic systems and this structure was found to be the least environmentally damaging approach at that time. Alternatives analysis demonstrates that landward relocation of the revetment or installation of a seawall landward of the revetment is physically feasible, particularly toward the central and east ends of Broad Beach where such as structure could be moved 50-75 feet landward, closer to existing homes. However, such relocation would have substantially more severe impacts to degraded dune habitats and may conflict with ESHA policies. |
| 4.55: Emergency actions to repair or replace or protect damaged or threatened development including public works facilities shall be the minimum needed to address the emergency and shall, to the maximum extent feasible, be the least environmentally damaging temporary alternative. A regular permit application shall be required as follow-up to all emergency protection devices or measures. All emergency protection devices shall be designed to facilitate removal and replacement with the alternative found to be consistent with all policies and standards of the LCP through the regular permit process. | The rock revetment was permitted by the CCC and city of Malibu on a temporary basis under an emergency permit. The revetment was accepted as the minimum action necessary, and the least environmentally damaging alternative. The Project is intended as a follow-up designed to reduce effects of the revetment and achieve consistency with LCP standards.<br>The 4,100 foot-long emergency revetment protects existing homes and septic systems. Existing septic systems and leach fields are generally located seaward of these existing homes, with limited room for landward relocation. Most homes on Broad Beach were constructed prior to certification of the LCP in 2002, although remodels and sometimes substantial expansions are ongoing. A number of these homes may have waived the right to future coastal protective structure construction as part of the permit process (e.g., 30974, 30978, and 30980 Broad Beach Road), although the emergency permit was issued based upon a finding of imminent threat to homes and septic systems and this structure was found to be the least environmentally damaging approach at that time.<br>Alternatives analysis demonstrates that landward relocation of the revetment or installation of a seawall landward of the revetment is physically feasible, particularly toward the central and east ends of |

**Table 3.5-8. Malibu LCP Policy Summary (Continued)**

| Policy | Relationship to Project |
|---|---|
| | Broad Beach where such as structure could be moved 50 to 75 feet landward, closer to existing homes. However, such relocation would entail substantial disruption of existing private improvements associated with relocation of septic systems or leach fields, patios, landscaping and other improvements. This would be combined with landward relocation of as many as 18 septic systems and their leach fields, potential installation of drywells or individual advanced onsite wastewater treatment systems for those locations which cannot relocate their septic systems, or the installation of a common wastewater treatment facility. Limited room exists for landward relocation of septic systems on the western portion of the project area in front of several residences. Additionally, such relocation would have substantially more severe impacts to degraded dune habitats and may conflict with ESHA policies.<br>The "soft solution" Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative could offer adequate protection to all or most structures along Broad Beach over the short- to mid-term (e.g., 10+ years). However, removal of the existing revetment would create short term construction impacts and its removal would leave both rear dune areas and a number of structures, particularly toward the west end of the beach, potentially vulnerable to storm damage. Septic systems would also be more vulnerable to damage under this scenario. However, the public would have access to existing AREs as well as public trust lands even with beach erosion as the MHTL advances inland.<br>Each alternative has a different set of potential inconsistencies with Malibu LCP policies. Alternatives involving the removal or movement of the revetment could have more substantial water quality impacts due to septic system damage, as well as further impacts to ESHA, resulting in policy inconsistencies. The Project would have conflict with long-term public access and associated policies, but offer better protection to dune ESHA and water quality issues resulting from septic systems and structures. However, upon cessation of nourishment, beneficial impacts to sand supply of each these alternatives would fade, leading to loss of public access, damage to new dune habitats, conflicting with access and ESHA policies. |

## Table 3.5-8. Malibu LCP Policy Summary (Continued)

| Policy | Relationship to Project |
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| | Given alternatives analysis, either the Project with its mix of revetment retention combined with large-scale beach and dune nourishment or the Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative may be the least environmentally damaging alternatives and most consistent with LCP policies over the projected short- to mid-term project horizon of 10 to 20 years. |
| **Chapter 5: New Development** | |
| 5.6: Protection of ESHA and public access shall take priority over other development standards and where there is any conflict between general development standards and ESHA and/or public access protection, the standards that are most protective of ESHA and public access shall have precedence. | The 4,100 foot-long emergency revetment protects existing homes and septic systems. However, installation of emergency geotextile walls and the rock revetment along Broad Beach have created substantial adverse effects to ESHA through displacement and covering of dune habitats by the revetment and associated impacts to sensitive species (e.g., globose dune beetle). The Project includes conceptual dune restoration proposals which may lead to restoration of this habitat, although proposals for 114 private accessways across these dunes could fragment and ultimately severely damage restoration potential. However, if properly designed, implemented and maintained as required through proposed avoidance and minimization measures in Section 3.4, restoration of the dunes would significantly enhance this habitat over the 10 to 20 year project horizon until long-term coastal processes begin to erode these dunes subsequent to cessation of nourishment. Alternative approaches to coastal protection, including landward relocation of the revetment or installation of a seawall, may increase impacts to this ESHA due to heavy construction activities that would occur within this ESHA as part of any such project. Although such proposals could also include dune restoration, initial impacts would appear to be substantially more severe than those associated with the Project.<br>The Project could also impact ESHAs such as the SMCA offshore and the Trancas Creek Lagoon through construction activities, and Trancas Creek Lagoon and the Zuma Beach wetlands through changes in hydrology due to increased downcoast transport of sand, potentially limiting tidal interchange with these estuaries. The inclusion of BMPs and mitigation measures would reduce potential affects to offshore ESHA and construction related effects to Trancas Lagoon. The substantial increase in downcoast transport of sediment may |

**Table 3.5-8. Malibu LCP Policy Summary (Continued)**

| Policy | Relationship to Project |
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| | incrementally increase the duration of closure of the mouths of both of these estuaries to tidal action.<br>Additionally, the existing revetment currently interferes with public access along the shoreline. The revetment partially overlays public trust land and AREs, prohibiting their intended use for public access. Additionally, the revetment blocks lateral access from the east during medium and high tides. The Project would substantially increase dry sand beach area over the sort- to mid-term, which would enhance the availability of public recreational opportunities and lateral access at Broad Beach over a projected 10 to 20 year period. However, upon cessation of renourishment, these benefits would be gradually eliminated by coastal erosion, with the newly re-exposed revetment precluding public access to public trust lands and easements.<br>Alternatives that would move the revetment landwards or remove the revetment would potentially result in improved lateral public access; however, such relocation or removal would have substantially more severe impacts to degraded dune habitats and may conflict with ESHA policies.<br>Given this analysis, either the Project with its mix of revetment retention with large scale beach and dune nourishment or the Beach Nourishment and Dune Restoration with Elimination of Revetment Alternative may be the least environmentally damaging alternatives over the projected short- to mid-term Project horizon of 10 to 20 years. |
| **Chapter 6: Scenic and Visual Resources** | |
| 6.4: Places on, along, within, or visible from scenic roads, trails, beaches, parklands and state waters that offer scenic vistas of the beach and ocean, coastline, mountains, canyons and other unique natural features are considered Scenic Areas. Scenic Areas do not include inland areas that are largely developed or built out such as residential subdivisions along the coastal terrace, residential development inland of Birdview Avenue and Cliffside Drive on Point Dume, or existing commercial development within the Civic Center and along Pacific Coast Highway east of Malibu Canyon Road. | The Project area is considered a Scenic Area by the LCP. Off-site Project areas within the city of Malibu would also be considered Scenic Areas (i.e., Zuma Beach). |
| 6.5: New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing | The Project revetment substantially altered and degraded the scenic and visual qualities of the Project area, in addition to altering the land |

**Table 3.5-8. Malibu LCP Policy Summary (Continued)**

| Policy | Relationship to Project |
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| areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and where appropriate, berming. | form of the beach; the approximately 15-foot-high revetment is not subordinate to the scenic character of the existing low tide beach. Proposed covering of the revetment with dune habitat would alter the visual effect of these changes on the scenic and visual qualities of the area to one of a more natural environment until such time as beach nourishment ceases, the dunes begin to erode and the revetment becomes exposed (e.g., estimated 10 to 20+ years). |

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Table 3.5-9 summarizes the CSLC Report on Sea Level Rise Preparedness recommendations that are most relevant to the Project.

**Table 3.5-9. Sea Level Rise Recommendation Summary**

| Recommendation | Relationship to Project |
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| **CSLC Report on Sea Level Rise Preparedness** | |
| Recommendation 4. Consider amending the Commission's Application Package to require that all new coastal development projects consider the implications of and include adaptation strategies for projected sea level rises of 16" and 55", depending on the projected life expectancy of the project. | Within the estimated 10- to 20-year life of the Project, projected sea level rise is anticipated to be minor; however, should a new lease be authorized in the future, effects of sea level rise would become more substantial, potentially reducing the life expectancy of the Project or requiring changes in the location or scale of the revetment. These potential changes could be addressed in future avoidance and minimization measures, consistent with AMM REC-5c. |
| Recommendation 5. Where appropriate, staff should recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access. | Within the estimated 10- to 20-year life of the Project, projected sea level rise is anticipated to be minor.<br>Should a new lease be authorized in the future, authorizing a revetment in its present location would result in increased potential for adverse impacts to public access. Implementation of 'soft' Project alternatives would reduce potential for the revetment to impact public access over the long-term; however, sea level rise would increase the threat to houses and residents of Broad Beach over the long-term, potentially requiring future shoreline protective structures. |